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ACTS

W. H. Clark

PASSED AT A

GENERAL ASSEMBLY

OF THE

COMMONWEALTH

OF

16371.1

1865

VIRGINIA.

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY THE SECOND DAY OF DECEMBER, ONE THOU-
SAND EIGHT HUNDRED AND FIVE.

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Genes

April 3, 1869

W. H. G. & J. G. G. G. G.
1869
1869

ACTS

OF THE

GENERAL ASSEMBLY.

CHAPTER I.

An ACT imposing Taxes for the Support of Government.

[Passed January 31st, 1806.]

Section 1. *BE it enacted by the General Assembly,* That the public taxes for the year one thousand eight hundred and five, shall be as follows, to wit: On lands, for every hundred dollars value, agreeably to the equalizing law, forty eight cents; for every slave above the age of twelve years, except such as shall be, or have been exempted, in consequence of age or infirmity, by the respective county or corporation courts, forty four cents; for every stud horse and jack-ass, twice the price at which such horse or ass covers a mare for the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary license, twelve dollars and fifty cents; for every four wheeled riding carriage, except phætons and stage waggons, one dollar and twenty five cents per wheel; for all phætons and stage waggons, eighty four cents per wheel; and for every other riding carriage with two wheels, forty three cents per wheel; for all lots and houses in town, one dollar and fifty six cents, on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant: and where such lot or house is in the occupation of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by comparison of its value with that of other houses or lots actually rented; on every license to sell merchandize of foreign growth or manufacture, by wholesale and retail, forty dollars; on every license to retail such goods, fifteen dollars; on every license to a hawker or pedlar, twenty dollars:—*Provided,* That no taxes shall be collected on lands, lots, houses, or other property belonging to this commonwealth, or to any county, town, college, or seminary of learning, or attached to any house or houses for divine worship: *And provided also,* That nothing in this act shall be so construed as to prevent any farmer or planter from selling salt, sugar, tea, coffee, spices, iron, or steel to his neighbours, when such articles were purchased as a return load on carrying their produce to market in their waggons, or otherwise.

Public taxes
for the year
1805.

Proviso.

CHAPTER II.

An ACT to appropriate the Public Revenue.

[Passed February 5th, 1806.]

Section 1. *BE it enacted by the General Assembly,* That the taxes and arrearages of taxes due prior to the year one thousand eight hundred and four, and all other branches of public revenue which arise to the commonwealth prior to the first day of January one thousand eight hundred and seven, and the surplus of all appropriations heretofore made, shall constitute a general fund and be appropriated in the following manner: For the payment of the General Assembly at their next session, forty six thousand dollars; for the officers of civil government, sixty four thousand dollars; officers of militia, four thousand two hundred dollars; criminal prosecutions, twenty five thousand dollars; expense of guards, eight thousand dollars; slaves executed, three thousand dollars; for slaves transported, two thousand dollars; lunatic hospital, six thousand five hundred dollars; Richmond public guard, fifteen thousand dollars; expense of manufacturing arms, including officers' salaries, forty thousand dollars; for the completion of James river canal warehouse, seven hundred and fifty dollars; for the completion of the penitentiary building, one thousand five hundred and seventy seven dollars; expense of removing criminals to the penitentiary, and their confinement therein, including officers' salaries, eight thousand dollars; public services of district court clerks, one thousand seven hundred dollars; interest on public debt registered, six thousand dollars; interest due persons who paid money into the treasury on account of British debts, three thousand dollars; pensioners, five thousand five hundred dollars; expense of representation to Congress and the Senate of this state, three hundred dollars; an instalment on the shares of the state, in the bank of Virginia, thirty thousand dollars; commissioners of the revenue, thirteen thousand five hundred dollars; contingent expenses of government, eleven thousand dollars; Upper Appomattox canal company, six hun-

Different
branches of
revenue to
constitute ge-
neral fund.

Specific ap-
propriations

dred and twenty five dollars; to pay the debt due James Pudden, nine hundred and five dollars; to pay the debt due John A. Chevallic, one thousand nine hundred and ninety four dollars; to refund money to Thomas Millan, seventy five dollars; for bringing up the manuscript journals of the House of Delegates, of the years one thousand seven hundred and eighty three, and one thousand seven hundred and eighty four, agreeably to the resolution of the House of Delegates of December the nineteenth, one thousand eight hundred and four, thirty six dollars and twenty five cents; to pay warrants on the treasury in favor of the surveyor of James river above the falls, seven hundred and two dollars and twenty six cents; for interest due the bank of Virginia, prior to January one thousand eight hundred and six, ten thousand six hundred and fifty two dollars and sixty eight cents; for interest to the bank, which will become payable in July next; four thousand eight hundred dollars; to pay James Terlington, jailor of Nansemond, for keeping a lunatic, seventy seven dollars and twenty six cents; for repairing the house for the residence of the Governor, and purchasing furniture for the same, one thousand dollars; for the payment of the expense incurred at the several warehouses for the inspection of tobacco, three thousand dollars; for payment of arrearages now due, and for completing the manufactory of arms, seven thousand six hundred and thirty dollars and six cents; for the present relief of Edward Houchins, three hundred dollars; for completing the foundry and boring mill, seven thousand five hundred dollars.

*Resolution
as to approp-
riation for
manufactory
of arms.*

*Commerce:
merc.*

*Commission-
er to grant
licenses for
wholesale &
retail of
goods.*

*Penalty for
selling with-
out license.*

Proviso.

*Each hawker
and pedlar to
obtain a li-
cense.*

*Such license
to be record-
ed.*

Sec. 2. *And be it further enacted*, That the buildings at the manufactory of arms, and carrying on its operations, shall be conducted in such a manner as to prevent any greater expenditure than the sums herein expressly appropriated; and it shall not be lawful for the auditor to issue warrants to a greater amount.

Sec. 3. This act shall commence and be in force from and after the passage thereof.

CHAPTER III.

An ACT to provide more effectually for the Collection of Taxes.

[Passed February 5th, 1806.]

Section 1. *BE it enacted by the General Assembly*, That upon any person producing to any commissioner of the revenue for his county, district, or corporation, or to the clerk of the court if there be no commissioner, a receipt for forty dollars, paid to the sheriff or collector, such commissioner or clerk shall grant to such person a license to sell merchandize of foreign growth or manufacture, by wholesale and retail, for and during the term of twelve months; or if the said receipt shall be for fifteen dollars, such person shall in like manner receive a license to retail such goods for the same time; and if any person shall sell such merchandize either by wholesale or retail, on land, or on board any vessel, without having obtained such license, such person shall forfeit and pay one hundred dollars, to be recovered by the commissioners of the county, district, or corporation, in any court of record, on ten days previous notice, for the use of the commonwealth; of which licenses and fines, the commissioners shall annually, in their books, return a list to the auditor of public accounts, on or before the fifteenth day of September, specifying the names of the persons, which shall be evidence whereupon to charge the sheriff or collector: *Provided always*, That if there be no such sheriff or collector, the clerk of the court shall have a right to receive the tax, to be accounted for in like manner as other taxes by him received, and his receipt shall entitle the party to a license in the same manner as the receipt of the sheriff or collector: *Provided nevertheless*, That not more than one tax shall be paid on account of selling at one and the same store; and if any person or persons shall keep two or more stores, he, she, or they shall pay one tax for each store. All the said licenses shall be taken out previous to the first day of May next, and shall be good and effectual for the term of one year next ensuing: *Provided*, That if any new store shall be opened on land, between the first day of May and the same day in the following year, the said tax shall be apportioned according to the time then to come of one year, and its amount shall be specified in the license and in the commissioner's return.

Sec. 2. *And be it further enacted*, That the act concerning hawkers and pedlars shall be so construed as to make it necessary for each hawker and pedlar to obtain a license; that it shall be the duty of the commissioners to report to the courts of their respective counties, such merchants, hawkers and pedlars, as neglect to comply with this act; and on such report, it shall be the duty of the said court to direct process against all delinquents so reported.

Sec. 3. *And be it further enacted*, That each hawker and pedlar, after obtaining a license to sell goods, wares and merchandize, shall, in the court of each county in which he offers goods for sale, enter on record his license obtained for vending of goods, wares and merchandize; for which he shall pay twenty five cents to the clerk; and in case of failure, each hawker and pedlar shall be subject to the same penalty as if he had no such license. The clerk of each court shall, on each court

day throughout the year, cause a list of such licenses as are recorded by him, to be stuck up in some public place in the courthouse, expressing when such license was granted, when it will expire, and by what court it was granted; and in case of failure, such clerk, for each omission, shall forfeit and pay the sum of fifty dollars, to be recovered by motion of the commissioners in any court of record, ten days notice thereof being first given. For every license granted by a commissioner under this act, he shall be entitled to twenty five cents, which shall be paid to him out of the public treasury, on warrant from the auditor of public accounts, after his list of licenses shall be returned to the auditor as aforesaid. Clerks of courts shall annually, on or before the first day of October, return to the auditor, a list of all licenses granted to tavern keepers, hawkers and pedlars, by their respective courts, previous to the first day of September in every year; and every clerk neglecting this duty, shall forfeit fifty dollars, to be recovered by motion in the general court, on ten days previous notice. The clerks of courts shall also on or before the fifteenth day of December in every year, account on oath to the auditor of public accounts, for all taxes received by them by virtue of their offices, previous to the first day of September in such year. A list of all licenses granted to merchants, shall be returned by the commissioner or clerk granting the same, to the county or corporation courts, for their examination, a certified copy of which list shall be transmitted to the auditor of public accounts, by the commissioner granting the same, in the city of Richmond, the borough of Norfolk, and the towns of Petersburg, Manchester, Falmouth, Portsmouth and Fredericksburg, on or before the twentieth day of May; and the sheriffs or collectors for the said city, borough and towns, shall on or before the twentieth day of May next, and annually on or before the same day, pay into the public treasury, all monies so received in the city of Richmond, the borough of Norfolk, and the towns of Petersburg, Manchester, Falmouth, Portsmouth and Fredericksburg; and all other monies so received shall annually be accounted for and paid on or before the first of October.

Sec. 4. *And be it further enacted*, That where the owner or proprietor of any house or lot subject to taxation, shall think himself aggrieved by the valuation of the commissioner, he may appeal to the court by whom he was appointed, whose judgment as to the yearly rent or value shall be final. The said commissioners, or either of them, to ascertain the rent paid on houses or lots actually rented or leased, may call on the tenant or proprietor, to declare on oath or solemn affirmation, what is the amount of rent paid for the same; and every person so called on and refusing to declare, shall forfeit and pay the sum of three hundred dollars, to be recovered by motion, on ten days previous notice, at the instance of the commissioners of the revenue, or either of them.

Sec. 5. *And be it further enacted*, That every covering horse or jack-ass which shall not be duly entered as such, with the commissioners of the revenue, and all such horses and asses brought into this commonwealth subsequent to the ninth of March next, shall be liable to a treble tax, to be paid by the owner of the place where he shall stand, upon whom it shall be distrainable by the sheriff, as if the same had been entered on the commissioner's book in his name; for two thirds whereof the sheriff shall be accountable to the public, and for every failure so to account, shall forfeit two hundred dollars, to be recovered with costs, on ten days previous notice, by the auditor, for the use of the commonwealth: *Provided*, That any person bringing such horse or ass into this commonwealth, entering him with the commissioner within ten days thereafter, and paying the tax to which he is liable, shall be absolved from said penalty, and such commissioner shall subjoin such horse or ass to the list of taxables.

Sec. 6. *And be it further enacted*, That when any person shall remove any stud-horse or jack-ass out of the limits of the county or commissioner's district wherein he is resident, after the ninth of March in any year, it shall be the duty of such person removing such horse or ass as aforesaid, to produce to the sheriff of the county into which such horse or ass is removed, a certificate from the commissioner of the county or district from which such horse or ass is removed, that such horse or ass has been duly entered with such commissioner, and the sum for which such horse or ass is entered for the season; every person failing as aforesaid, shall forfeit and pay treble the amount of the sum at which such horse or ass shall cover for the season, to be collected and accounted for by the sheriff on oath, for the use of the commonwealth.

Sec. 7. *And be it further enacted*, That no court shall hereafter grant to any person a license to keep an ordinary, until such person shall produce to such court, the receipt of the sheriff, collector, or serjeant, for the tax by law imposed on such license, which tax shall be refunded to the person paying the same, by such sheriff, collector, or serjeant, if such license be refused.

Clerk of court to cause a list of such licenses to be hung up on each court day.
Penalty for omission.
Fee to clerk.

When to account for taxes.

Commissioner or clerk to return list of licenses to county or corporation court.

When list to be sent auditor.

Tax of certain towns, when payable into treasury.

Person aggrieved by commissioners valuation may appeal to the court.
Rule by which commissioner to be governed.

Penalty on owners of stud horses and asses for breach of law.

Rule to be observed when such horse or ass is removed.

Person wishing to keep tavern, must produce to court a receipt for tax.

Revise.

Within what
time sheriff
to return list
of insolvents.

Commencement.

Public arms
heretofore
distributed to
be called in.Militia to be
armed by
companies.Light or
flank compa-
nies to be
first armed.Fine for not
attending
muster, &c.Fine for re-
fusing to re-
ceive arms,
&c.Duty of offi-
cers com-
manding
companies.Duties of
field officers.Penalties on
officers.Artificers in
manufactury-
ing farms to be
embodied, &c.

Provided always, And be it further enacted, That ten days previous notice shall hereafter be necessary to any sheriff, collector, clerk, inspector, or notary public for the purpose of recovering a judgment for any taxes, fines, or public dues of any kind, where by law the auditor is authorised to proceed against them, or any of them, by motion. No sheriff or collector shall at any time be allowed to return any list of insolvents, or have any credit therefor, after eighteen months shall have expired from the period of the taxes becoming payable by such sheriff or collector, to which such list relates. A commission of five per cent. and no more, shall be allowed the sheriffs and collectors, for the collection of taxes on licenses granted to merchants, hawkers, or pedlars, any law to the contrary notwithstanding.

Sec. 8. This act shall commence and be in force from and after the passing thereof.

CHAPTER IV.

An ACT further to amend the several Acts concerning the Militia of this Commonwealth.

[Passed February 4th, 1806.]

Section 1. BE it enacted by the General Assembly, That it shall be the duty of each officer commanding a company of militia in this commonwealth, to cause all the public arms heretofore distributed in his company, to be produced to the major or commandant of the battalion to which he shall belong, at the battalion muster in May next; and it shall be the duty of such major or commandant to cause such arms, with those hereafter issued, to be distributed to companies, so that one company may be completely armed, before any arms shall be distributed to any other company, and so continuing to arm by companies until the whole shall be armed. And where there is a light or flank company attached to any battalion, the number whereof is complete, such company shall be first armed; and where there shall be more than one such company, the major, or commandant, shall determine by lot which of such companies shall be first armed; and where there shall be no light or flank company attached to the battalion, the major or commandant shall determine by lot which company in the battalion shall be first armed.

Sec. 2. And be it further enacted, That each non-commissioned officer and private armed as aforesaid, who shall fail to appear on parade on the days appointed for holding their respective musters, with his arms and accoutrements in complete order, shall be fined in a sum not less than seventy-five cents, nor more than two dollars, to be assessed by the court of enquiry, who, in assessing the fine, shall have regard to the degree of the delinquency, and the ability of the delinquent to pay.

Sec. 3. And be it further enacted, That each non-commissioned officer or private, who shall refuse or neglect to receive any arms or accoutrements, when offered to him, or to give a receipt for the same, except such refusal be made by a quaker or mononist, shall be fined in a sum not exceeding ten dollars, to be assessed by the battalion court of enquiry, to be collected and accounted for as other militia fines; and for failing to deliver such arms and accoutrements when required by the officer commanding the company, he shall forfeit and pay the sum of twenty dollars, to be assessed as aforesaid. And where any non-commissioned officer or private shall remove out of the limits of his company district, without delivering to some commissioned officer of the company in which he stood enrolled, all arms and accoutrements in his possession belonging to the public, he shall forfeit and pay the sum of twenty dollars, to be recovered by warrant or attachment, before any justice of the peace, for the use of the commonwealth.

Sec. 4. And be it further enacted, That it shall be the duty of officers commanding companies, to carry the foregoing regulations into effect, so far as relates to their respective companies, and the preservation of their arms; and that it shall be the duty of the officers commanding battalions, to attend the musters of the several companies, armed as aforesaid, at least once in every year, for the purpose of reviewing such companies, and inspecting their arms. And it shall be the duty of the commandants of regiments, in like manner, to attend each battalion muster in his regiment, for the purpose of reviewing the same and inspecting their arms.

Sec. 5. And be it further enacted, That if any officer commanding a company, shall fail to comply with the duties prescribed by this act, he shall forfeit and pay twenty dollars. And if any major or commandant of a battalion shall fail to comply with the duties hereby prescribed, he shall forfeit and pay thirty dollars; and commandants of regiments failing to comply with the duties hereby imposed on them, shall for every failure forfeit and pay forty dollars each.

Sec. 6. And be it further enacted, That the artificers employed in the manufacture of arms in the city of Richmond, shall be embodied in one or more companies, as the Executive may direct, and be commanded by such officers as the Governor, with the advice of Council, may appoint and commission; and shall be an independent

ent corps, and act as a guard to the manufactory of arms, whenever the Executive may direct or require the same.

Sec. 7. *And be it further enacted*, That no officer hereafter accepting a commission in the militia of this commonwealth, shall be at liberty to resign the same for the term of five years after qualification, without the consent of the regimental court of enquiry, or of the Executive of this commonwealth.

Officer prohibited from resigning for five years.

Sec. 8. And whereas a difference of opinion at this time exists among the officers, as to their uniform when on duty; and for remedy therof, *Be it enacted*, That the Executive shall, and they are hereby authorised to declare by proclamation, what shall be the uniform of the militia of this commonwealth; and the several officers shall be governed accordingly.

Regulations as to uniform.

Sec. 9. This act shall commence and be in force from and after the passing therof.

Commencement.

CHAPTER V.

An ACT authorising a sum of money to be raised by Lottery for the Improvement of the Road leading from Wood Courthouse to Clarksburg.

[Passed December 17th, 1805.]

Lottery in Wood county.

Section 1. *BE it enacted*, That John Stephenson, Hugh Phelps, George D. Avery, Jacob Eceson, Stephen R. Wilson, Thomas Tavener and James G. Laidley, or a majority of them, are hereby authorised to raise by one or more lotteries, the sum of three thousand dollars, to be applied, under the direction of the court of the county of Wood, towards improving the road leading from Wood courthouse to Clarksburg in Harrison county.

Sec. 2. This act to commence and be in force from the passing thereof.

Commencing clause.

CHAPTER VI.

An ACT authorising the Overseers of the Poor of Hampshire county to recover a certain sum of money of the late Sheriff of the said county, for the purpose therein mentioned.

[Passed December 18th, 1805.]

Overseers of the poor of Hampshire authorised to recover a certain amount of Francis White, late sheriff.

Section 1. *BE it enacted by the General Assembly*, That the overseers of the poor of the county of Hampshire, shall be, and they are hereby authorised to demand and receive of Francis White, late sheriff of the said county, his executors or administrators, such sum or sums of money as have been collected by the said sheriff in consequence of a levy laid and assessed by the court of the said county, for the purpose of opening and clearing a certain road through the aforesaid county, and the county of Berkeley, by virtue of the act of Assembly passed the twenty first day of January, one thousand eight hundred and one, entitled, "An act to revive and amend an act, for opening a road through the counties of Berkeley and Hampshire." And in case of refusal of the said sheriff, his executors or administrators, to pay the money aforesaid, or so much thereof as appears to be due from the said sheriff, it shall and may be lawful for the said overseers to obtain judgment, by motion in the court of the said county of Hampshire, against the said sheriff, his executors or administrators, or against the securities of the said sheriff; ten days previous notice being first given of such motion. And the said money, when received by the said overseers, shall be by them applied towards the erection of a poor house in the said county of Hampshire, or in any other manner that they may think best for the benefit of the poor of the said county.

Sec. 2. This act shall be in force from the passing thereof.

Commencement.

CHAPTER VII.

An ACT authorising George Cabell, senior, to erect a Public Warehouse on his land.

[Passed December 18th, 1805.]

Tobacco warehouse authorised on land of Geo: Cabell, sen. near Lynchburg.

Section 1. *BE it enacted by the General Assembly*, That it shall be lawful for George Cabell, sen. to erect a public warehouse on his land at a point formed by the junction of Blackwater with James river, near the town of Lynchburg, in the county of Campbell, to be built of brick or stone, covered with slate or tile, and called and known by the name of Blackwater warehouse.

Campbell court to recommend inspectors.

Sec. 2. So soon as the said warehouse shall be fit for the reception of tobacco, the court of the said county of Campbell shall recommend two proper persons to be commissioned inspectors thereof. There shall be allowed and paid annually to each of the inspectors at the said warehouse, the sum of two hundred and fifty dollars for their salary.

Sec. 3. The inspectors at the said warehouse, upon the delivery of their notes, or an order, where they have not issued notes, shall deliver the tobacco for transportation, with a printed manifest, expressing the owner's name, the name of the skipper of the batteau, or canoe, with the marks, number and weight of the tobacco, and stamped with the warehouse name.

To deliver manifest, &c.

Duty on tobacco.

Notes not receivable for prior debts.

Proviso.

Commencement.

Preamble.

Certain owners of lots in town of Springfield exempted from improving the same on certain terms.

Commencement.

Subscription for raising a sum for building a toll bridge from Port Republic to New Haven.

Subscribers created a body corporate.

Rates of toll.

Sec. 4. The impost and duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for and paid in like manner, as is directed and prescribed by law for other tobacco inspections.

Sec. 5. No person shall be obliged to receive any notes for tobacco passed at the said warehouse, in discharge of any tobacco contract heretofore entered into: *Provided always, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiency shall not be paid by the public.*

Sec. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER VIII.

An ACT concerning certain Lots in the Town of Springfield.

[Passed December 19th, 1805.]

WHEREAS, it is represented, that certain lots in the town of Springfield in the county of Hampshire, in consequence of their being subject to be frequently overflowed, cannot, without great inconvenience and expense to the owners, be improved in the manner directed by law.

Sec. 1. *Be it therefore enacted by the General Assembly, That upon a report in writing being made by the trustees of the said town, to the court of the said county, and therein entered of record, describing the lots which in their opinions are situated as aforesaid, the owners thereof shall not thereafter be compelled to improve the same as aforesaid.*

Sec. 2. This act shall be in force from the passing thereof.

CHAPTER IX.

An ACT to incorporate a company to build a Toll Bridge over the North Fork of Shenandoah River, from the Town of New Haven to Port Republic in the county of Rockingham.

[Passed December 18th, 1805.]

Section 1. *BE it enacted by the General Assembly, That subscriptions be opened under the direction of George Huston, John Cartrea, jun. Gideon Morgan, Charles Lewis, Benjamin Lewis, William Lewis and George Gilmore, or a majority of them, in the towns of New Haven and Port Republic in the county of Rockingham, on the twenty fifth day of March next, notice whereof shall be given by advertisement at the courthouse door of said county, two several court days previous thereto, for raising a capital stock of two thousand dollars, in shares of twenty dollars each, for the purpose of erecting a toll bridge over the North Fork of the Shenandoah river, from the town of New Haven to Port Republic; and that each person do, upon subscribing, pay to the person or persons receiving the same, under the authority of this act, five dollars upon each share so subscribed for, and that the remainder of the said twenty dollars payable upon each share, shall be thereafter called for by the company, or their agent, at such times and in such proportions as they shall find necessary, giving two weeks notice by advertising at the courthouse door, of the sum required upon such share, and the time of making such payment; and if any subscriber, his executors, administrators, or assigns, shall fail to pay the sum called for upon each share so held by him, her or them, at the time appointed for such payment, the same may be recovered, where the sum called for shall amount to twenty dollars and upwards, by a motion in any court of record within this commonwealth, giving the holder or holders of such share or shares, their executors or administrators, ten days notice of such motion; and where the sum called for shall be less than twenty dollars, by petition or warrant, as the case may be.*

Sec. 2. *Be it further enacted, That all those who shall become subscribers to the company, their successors or assigns, shall be and are hereby created a body politic and corporate, for the purpose aforesaid, by the name of the Shenandoah Toll Bridge Company, and shall, by that name, have succession; and shall be able to sue and be sued, implead and be impleaded in all courts of law or equity within this commonwealth, or elsewhere, and to ordain and make such bye laws, ordinances and regulations, as shall appear necessary for regulating the concerns of the company, not contrary to this act, the constitution and laws of this commonwealth, or the United States.*

Sec. 3. So soon as the said bridge shall be completed, it shall be lawful for the said company, their heirs and assigns, to demand and receive the following tolls and rates, for the passage of the following things; that is to say; for a man four cents; for a horse four cents; for every coach, waggon, chariot, and the driver, the same as for six horses; for every four wheeled chaise or phæton, and the driver, the same as for four horses; for every two wheeled riding carriage, the same as for two horses; for every cart, the same as for three horses; for every head of neat cattle two cents; for every sheep, hog, goat, or lamb, one cent.

Sec. 4. If the collector of the tolls at the said bridge shall demand and receive from any person greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and four dollars, to be recovered with costs before any justice of the peace of the county of Rockingham.

Penalty for overcharging

Sec. 5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER X.

An ACT appointing other Trustees of the town of Milton.

[Passed December 19th, 1805.]

Section 1. *BE it enacted by the General Assembly,* That in addition to the persons heretofore appointed trustees of the town of Milton in the county of Albemarle, William W. Hening, James Lewis, Triplet T. Estes, Kemp Catlett, Matthew Henderson, David Mickie, David Anderson and William G. Garner, gentlemen, shall be and are hereby constituted and appointed trustees of the said town.

Additional trustees for town of Milton.

Sec. 2. Any four or more of the trustees of the said town, shall have power to make such rules and orders as they shall think proper, for the regular building of houses therein, and to do all other things which heretofore might have been done by a majority of the said trustees.

Number of trustees who may act.

Sec. 3. This act shall be in force from the passing thereof.

Commencement.

CHAPTER XI.

An ACT to amend an Act, entitled, an Act, "Providing for the Poor and declaring who shall be deemed Vagrants."

[Passed December 19th, 1805.]

Section 1. *BE it enacted by the General Assembly,* That if any single white woman residing within the limits of any corporate town, shall be delivered of a bastard child, which shall be chargeable, or likely to become chargeable to such town, and shall, upon examination before any magistrate of the corporation, to be taken in writing, upon oath, charge any person not being a servant, with being the father of such bastard child, it shall be lawful for any justice of the peace of the county, or magistrate of the corporation wherein the person so charged shall be a resident or inhabitant, upon application made by any person residing in the corporation wherein the said child shall be born, to issue his warrant for the immediate apprehending the person as aforesaid, and for bringing him before such justice or magistrate, and the justice or magistrate before whom such person shall be brought, is hereby authorised and required to commit the person so charged as aforesaid, to the common jail of his county or corporation, unless he shall enter into a recognizance with sufficient security, in a sum not less than fifty dollars, nor more than two hundred dollars, upon condition to appear at the next court to be held for his county or corporation, and to abide such order or orders as shall be made by such court. And if, upon the circumstances of the case, the court shall adjudge the person so charged, to be the father of such bastard child, and that such child is likely to become chargeable to the town in which the mother is a resident, they shall and may in their discretion, take order for keeping such bastard child, by charging the father with the payment of money for the maintenance of such child, in such manner and in such proportions as they shall deem meet and convenient, and for such time as such child is likely to become chargeable to such town, and no longer. And the father of such child shall enter into a recognizance with sufficient security, before the said court, in such sum as the said court in their discretion shall think fit, payable to the Governor of this commonwealth for the time being, and his successors, to perform such order or orders of the court aforesaid. And if the father charged with the maintenance of such bastard child, shall make default and not pay the money so as aforesaid charged upon him by the order of the said court, to the serjeant of the corporation, to be applied under the direction of the court of the corporation, to the maintenance of such child, the court before whom the recognizance was entered into, shall, from time to time, on the motion of the serjeant of the corporation, enter up judgment and award execution for the money in such order or orders mentioned, as the same shall become due, against the said father and his security or securities, their executors or administrators; *Provided*, ten days notice be given to the parties against whom such motion is made, before the making thereof. And if the father of such child shall refuse to enter into a recognizance as aforesaid, such father shall be committed by the said court, to the common jail of the county or corporation, there to remain without bail or mainprize, until he shall enter into such recognizance as aforesaid, or until he shall discharge himself by taking the oath of an insolvent debtor, and delivering in a schedule of his estate, in manner directed by the laws for debtors in execution (and which estate shall, by order of the court, be applied towards indemnifying the town) or until the court of the corporation shall consent to his discharge.

Proceedings in case of bastards in corporate towns.

Provisc.

CHAPTER XII.

An ACT to authorise the County Court of Lee to erect a Turnpike or Toll Gate on the road leading from Mockerson Gap to Cumberland Gap, through the said County.

[Passed December 21st, 1805.]

Preamble.

Court of Lee
county to fix
upon place
for toll gate.

WHEREAS, it is represented to this General Assembly, that a turnpike or toll gate on the road leading from Mockerson Gap to Cumberland Gap, through the county of Lee, for the purpose of keeping the said road in repair, would be of public utility.

Section 1. *Be it therefore enacted*, That the court of the said county of Lee are hereby authorised, at their next March court, or as soon thereafter as shall be convenient, a majority of the members being present, to fix upon such place on the said road, for the erection of such gate, as to them shall seem most expedient, and shall have power to contract for the building and completing such gate, and shall moreover appoint a keeper thereof, who shall enter into bond and sufficient security to the court then sitting, in such sum as the said court shall think just, for the faithful performance of the duties of his office, and shall account with the said court monthly, upon oath, for all monies he shall receive by virtue of this act: *Provided, nevertheless,* That such gate shall not be erected on that part of the said road lying between its junction with the Russell county road and Lee courthouse.

Sec. 2. *And be it further enacted*, That the said court shall have power from time to time, to lay off such districts on said road, as to them shall seem most to require the aid of this act, and shall appoint superintendants over such districts, who shall severally take an oath, and enter into bond with sufficient securities, in such sums as the said court shall direct, for the faithful performance of the duties required of them by this act. Such superintendants, when required by the said court, shall employ so many labourers, horses and carriages as they shall deem necessary, and shall proceed to make such repairs on their respective districts, as to them shall appear most to promote the public good. They shall make monthly returns of their proceedings to the said court, and shall be subject to the control of, and be removable from office by the said court, for any misconduct or neglect in the discharge of the duties thereof; and shall receive for their services such allowances as to the said court shall seem just.

Sec. 3. *And be it further enacted*, That as soon as the said gate shall be erected, it shall be lawful for such gate-keeper to demand and receive, of all persons passing through the same, the following rates or tolls, viz: For every man, six and one quarter cents; for every horse, mule or ass, six and one quarter cents, and for every carriage of any kind, including team and driver, twelve and one half cents per wheel: *Provided,* That persons not residing more than four miles from such gate, shall not be subject to payment of toll for passing through the same.

Sec. 4. A fair list of the tolls payable by this act, or established by the court of said county, as herein after directed, shall be kept up at the toll gate, from time to time, for the information of passengers. And the toll-gatherer, or gate-keeper, shall be subject to a fine of two dollars for every day the same shall be omitted, to be recovered with costs, by warrant, before any justice of the peace in the said county of Lee, for the use of the party complaining.

Sec. 5. *And be it further enacted*, That the money arising from such gate, shall be deposited in the hands of the clerk of the said court, and shall constitute a fund for the improving and keeping the said road in repair, and shall be paid by order of the said court, to such superintendants and labourers, as shall be employed under this act, the said court being satisfied of the justice of their accounts: *Provided nevertheless,* That if at any time, the tolls received shall be more than sufficient for the purpose herein mentioned, it shall be the duty of the said court to reduce the tolls so as to produce a fund equal to the purposes contemplated by this act.

Sec. 6. This act shall commence and be in force from and after the first day of March next, and shall continue in force for the term of ten years, and no longer.

CHAPTER XIII.

An ACT authorising a Sale of the Glebe of Bristol Parish.

[Passed December 31st, 1805.]

Commission-
ers to sell
glebe of Bris-
tol parish.

Section 1. *BE it enacted by the General Assembly,* That Benjamin Harrison, Carter B. Harrison, John Shore, Isaac Hall, John Osborne, John James Thweat and George Ruffin, gentlemen, be, and they are hereby appointed commissioners, who, or a majority of whom, may, and are hereby empowered and directed to dispose of to the highest bidder, upon such credit as to them shall seem best, the tract of land and appurtenances, appropriated as a glebe for the parish of Bristol in the county of Prince George, notice of the time and place of such sale being first advertised for six weeks successively in some newspaper printed in the town of Petersburg, the purchaser giving bond with security, payable to the said commissioners, with con-

dition, that the obligors, their heirs, executors, or administrators, will annually pay the interest of the said money to Andrew Syme, the present incumbent of the said parish, during his incumbency, and at the expiration thereof, that they will pay the principal sum to the persons who shall then be acting as overseers of the poor in the said county of Prince George, to be by them applied in such manner as they shall think best for the benefit of the poor of the said county. And the said purchaser further securing the punctuality of payment by a deed of trust on the said land.

Sec. 2. This act shall be in force from the passing thereof.

Commencement.

CHAPTER XIV.

An ACT releasing to John White and William Lee, the right of the Commonwealth to a certain Lot and Lands named therein.

[Passed December 31st, 1805.]

Section. 1. *BE it enacted by the General Assembly,* That all the right, title and interest which the commonwealth hath, or may have, in or to a certain lot of land, lying in the town of Wheeling in the county of Ohio, and known by the number fifty, together with one hundred and sixty acres of land, lying on Middle Island creek, in the said county, which lot and land were purchased by a certain John White when an alien, shall be, and is hereby released to the said John White, who is now a citizen of the United States, to be held and enjoyed by him in the same manner as if he had been born a citizen of the same.

Commonwealth's right to a lot in Wheeling released to John White.

Sec. 2. *And be it further enacted,* That all right, title and interest which the commonwealth hath, or may have, in or to a certain tract or tracts of land, lying in the county of Brooke, which land was purchased by a certain William Lee, when an alien, shall be, and is hereby released to the said William Lee, who is now a citizen of the United States, to be held and enjoyed by him in the same manner as if he had been born a citizen of the same.

To tract of land in Brooke county released to William Lee

Sec. 3. Saving to all persons, bodies politic and corporate, except the commonwealth, their rights to the said lot and lands, or any part thereof, in the same manner as if this act had not been made.

Reservation.

Sec. 4. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER XV.

An ACT authorising the appointment of Commissioners to ascertain the different County Lines bordering on the Three Notched Road leading from the County of Albemarle to the County of Hanover.

[Passed December 31st, 1805.]

WHEREAS, inconveniences have arisen from the state of certain parts of the road from Albemarle county to Hanover county, commonly called the Three Notched road, on account of its being unascertained in which counties those parts of the road are situate.

Preamble.

Section 1. *Be it therefore enacted,* That on or before the first day of June next, the respective county courts adjoining the parts of the road situated as aforesaid, shall appoint each, two commissioners, to ascertain the line of their respective counties, that it may be thereby known through which counties respectively such parts of the road may run; and it shall be the duty of the said commissioners so appointed, to make report to their respective courts within six months, after such their several appointments.

Commissioners to be appointed.

Sec. 2. *And be it further enacted,* That within three months after the said report so returned, the court of the county to which such return is made, shall appoint an overseer and assign hands to work upon that part of the road referred to in the report of the said commissioners, according to an act of Assembly in such case made and provided.

Court to appoint overseer and allot hands.

Sec. 3. The commissioners to be appointed under the authority of this act, shall be allowed per day, two dollars each, as a compensation for their services, to be levied and paid by the court by which they were appointed respectively.

Pay of commissioners.

Sec. 4. *And be it further enacted,* That if the said commissioners shall meet with any difficulty in ascertaining the lines of their respective counties, and shall find the attendance of a surveyor necessary, they are hereby empowered and required to call on the surveyors of their respective counties, or either of them, whose duty it shall be forthwith to attend, and perform such duty as shall be required of him or them, to carry this law into effect.

Commissioners may call on county surveyors.

Sec. 5. *And be it further enacted,* That if either of the commissioners, to be appointed by virtue of this act, from sickness, or any other cause, shall be unable to attend to the duties aforesaid, the other commissioner may proceed to do and perform the services hereby required: *Provided nevertheless,* The attendance of one commissioner from each county shall be necessary.

One commissioner may proceed case of the sickness of the other.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER XVI.

An ACT authorising George Pegram, jun. to erect a Public Warehouse on his Land in the Town of Petersburg.

[Passed December 31st, 1805.]

George Pegram, jun. au-
thorised to e-
rect tobacco
warehouse in
Petersburg.

Salary of in-
spectors.

Duty on to-
bacco.

Materials of
warehouse.

Notes not re-
ceivable for
prior debts.

Commence-
ment.

Section 1. BE it enacted by the General Assembly, That it shall be lawful for George Pegram, jun. to erect a public warehouse on his land, lying on a new street (not yet named) leading from Old Street to High Street, in the town of Petersburg, to be called and known by the name of Cross Street Warehouse.

Sec. 2. There shall be allowed and paid annually to each of the inspectors of Cross Street Warehouse, the sum of three hundred and thirty three and one third dollars for their salary: *Provided always*, That if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiencies shall not be paid by the public.

Sec. 3. The duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for and paid in like manner, as is directed and prescribed by law for other tobacco inspections.

Sec. 4. The said George Pegram, jun. shall erect at his own expense, sufficient houses, built of brick or stone, and covered with slate or tile, for the reception of tobacco; and so soon as the same shall be sufficient, the court of the county of Dinwiddie shall recommend fit persons to be commissioned inspectors thereof.

Sec. 5. No person shall be obliged to receive any notes for tobacco passed at the warehouse hereby established, in discharge of any tobacco contract heretofore entered into.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER XVII.

An ACT establishing a Turnpike Road from the Head of Roanoke River over the Allegany Mountain.

[Passed December 31st, 1805.]

Preamble.

WHEREAS, it is represented to this present General Assembly, that the keeping in repair the public road from the highest crossing of the South Fork of Roanoke river, over the Allegany mountain, in the county of Montgomery, is too great a burthen on the labouring tithables adjacent thereto; for remedy thereof,

Commission-
ers appoint-
ed.

Their powers
and duties.

Rates of toll.

Section 1. Be it enacted by the General Assembly, That John Ingles, Andrew Lewis, Daniel Trigg, Gordon Cloyd, Charles Taylor, Henry Edmondson, James Craig, John M'Caulas Taylor and James Charlton, be, and they hereby are appointed commissioners, who, or a majority of them, are hereby empowered and directed to let out to the lowest bidder, the opening of a turnpike road, from the highest crossing of the South Fork of Roanoke, across the Allegany mountain to the house of John Pendleton in Montgomery county; the said commissioners having first given two months previous notice at the courthouses of Montgomery, Botetourt and Wythe, of the time and place of letting such road.

Sec. 2. The rates of tollage on the said road shall not, in the first instance, exceed those which follow, at which rates the opening of the said road shall be set up, to wit: For a horse carrying a rider, six and one fourth cents; for a horse without a rider, three cents; for a four wheeled carriage for the conveyance of commodities, thirty seven and a half cents; for a four wheeled carriage for the conveyance of persons, seventy-five cents; for a two wheeled carriage for the conveyance of commodities, seventeen cents; for a two wheeled carriage for the conveyance of persons, twenty-five cents. On mules and asses, the same toll shall be paid as for horses. All persons, all horses drawing carriages, and all things not enumerated, shall pass toll free.

Sec. 3. The said road shall be made with a smooth convex surface, well covered with gravel or stone, so as to render the passing of waggons thereon as convenient as possible (without being paved) at least twenty-five feet wide, with a sufficient drain on each side, and covered drains through the same where necessary.

Manner of
making the
road.

Commission-
ers to take
bond of un-
dertaker.

When half
tolls may be
received.

Sec. 4. The commissioners, or a majority of them, shall take bond with sufficient security from the undertaker, payable to themselves and their successors, in the penalty of twenty thousand dollars, with a condition reciting the contract of the undertaker or undertakers, and that he or they shall and will truly and faithfully perform the same within four years from the date thereof, and afterwards keep the said road in good and sufficient repair, and in all things perform the duties imposed by this act; which bond shall be proven in the county court of Montgomery, and there recorded, and may be put in suit by a majority of the commissioners, or at the instance of any person injured.

Sec. 5. So soon as the said road shall be completed from the lower end of the plantation of Thomas Barnett to the house of the said John Pendleton, to be adjudged and approved by the said commissioners, or a majority of them, of which they

shall give the said undertaker or undertakers a certificate; it shall then be lawful for the said undertaker or undertakers to demand and receive half the tolls hereby allowed; and when the residue of the said road shall be completed according to this act, to be adjudged and approved by the said commissioners, or a majority of them, a report thereof shall be by them made to the next court to be held for the said county of Montgomery, and entered of record, and from thenceforth full tolls may be demanded and received, according to the rates at which the said road shall be let by the undertaker or undertakers, his or their heirs or assigns.

Sec. 6. The undertaker or undertakers shall run the said road in such direction and course, as shall be marked out by the said commissioners, or a majority of them, whose duty it shall be to lay off and adopt such route as will combine shortness of distance, with the most practicable ground; and if the proprietor or proprietors of any ground through which the said road may pass, shall require compensation for the same, and for the additional fencing that may be necessary, and the undertaker or undertakers shall not be able to agree with them or their agents for the price thereof, the said undertaker or undertakers may apply to the court of the county of Montgomery, who shall issue a writ of ad quod damnum, on which proceedings shall be had as directed by "An act concerning public roads," and the assessment made by the inquest shall be paid before the road shall be opened through the said ground. Any ground which may be necessary to erect a toll-house and gate, shall be condemned and paid for in like manner.

Sec. 7. If the undertaker or undertakers shall neglect for the space of six days, to keep the said road in good and sufficient repair, and information shall be given to any justice of the peace for the county of Montgomery, he shall issue a warrant to a constable, commanding him to summon three free-holders, to meet at a certain time, at the place complained of, both to be mentioned in the warrant, of which notice shall be given to the undertaker or undertakers, or his or their agent entrusted with the repair of the said road; and if on enquiry by the said free-holders, in presence of the justice of the peace who shall attend, the said road shall be found not to be in repair, according to the true intent and meaning of this act, the tolls shall cease until the defective part of the said road shall be put in proper repair; and moreover, the undertaker or undertakers, shall be subject to a fine of five dollars for each day the said road shall be out of repair; for which the said justice, after the enquiry aforesaid, shall render judgment; which fines shall be appropriated to the use of the poor of the said county of Montgomery.

Sec. 8. The undertaker or undertakers, with his or their assistants, may enter into any lands adjacent to the said road, and take thence, stone, gravel, earth or wood, for making the said road, making compensation for the same, to be ascertained by three free-holders, appointed and sworn by a justice of the peace, unless the undertaker or undertakers, and the proprietor or proprietors, shall themselves agree upon such compensation, which shall first be paid or tendered before such stone, gravel, earth or wood shall be taken for the purpose aforesaid.

Sec. 9. Until the said road shall be completed, the county court of Montgomery are empowered and required to cause the male labouring tithables who have heretofore been allotted to the said road, as at present established, to work thereon, not exceeding four days in one year.

Sec. 10. If the making of the said road shall not be proceeded on within one year from the first day of March next, or shall not within four years from the time of the contract, be completed according to the true intent and meaning of this act, in either of those cases, the operation of this act shall cease and determine.

Sec. 11. In case of the death, removal, refusal to act, or resignation of a commissioner, the court of Montgomery shall by an appointment, to be entered of record, supply such vacancy, and the persons so appointed shall have the same power as if they had been named in this act.

And whereas, it may happen that the rates of toll established at the time the making of the said road shall be let, may prove higher or lower than will be consistent with the intention of the General Assembly, which is to allow the undertaker or undertakers a reasonable and moderate profit on the capital expended in making the said road: For remedy thereof,

Sec. 12. *Be it enacted*, That the undertaker or undertakers shall, at the end of each year after the said road shall be completed, lay before the court of Montgomery county, verified by affidavit, an abstract of his or their accounts, shewing the whole amount of capital expended, and of the income arising from the toll for and during the preceding year, with an exact account of the charges of keeping the said road in repair, and other contingent costs and charges (in which the hire of slaves, horses or oxen of the undertaker or undertakers employed on the said road, shall be set down at a reasonable rate, but nothing for the time or attention of the undertaker or

Commissioners to direct running of road.

Land may be condemned.

Tolls to cease if road is out of repair.

Materials to be taken from adjacent lands upon certain terms

Hands to work on road as usual 'till completed.

When to be begun and finished.

Vacancy among commissioners, how filled.

Undertaker to lay his accounts before Montgomery court.

undertakers) to the end that the clear annual income and profits may be ascertained and known. And if at the end of any year it shall appear, that the income and profits will not allow six per centum per annum on the whole capital expended, then it shall and may be lawful for the said court to increase the tolls so much upon each and every allowance thereof, as will raise the profits up to six per centum per annum, in which increase they shall be regulated by the nett profits of the preceding year. And if at any time it shall appear that the income and profits exceed fifteen per centum per annum on the whole capital expended, then it shall and may be lawful for the said court of Montgomery, and they are hereby required to reduce the tolls so much upon each and every allowance thereof, as will reduce the profits down to fifteen per centum per annum, in which reduction they shall be regulated by the nett profits of the preceding year.

Sec. 13. All drivers of every kind of carriage using said road, except in the passing of a carriage of slower draft, shall keep their horses and carriages to the right hand side of the said road, leaving the other side free and clear for such other carriages to pass by them; and any driver offending against this provision, shall forfeit and pay two dollars, with costs, to be recovered by the person offended, by warrant, before any justice of the peace where the offender shall be apprehended; but if the offender shall be a slave, he shall receive twelve lashes, by the justice's order, unless the fine be immediately paid.

Sec. 14. If the toll-gatherer shall unreasonably delay any passenger, or fail to pay immediately the necessary change that may be due to him, or shall demand or receive more toll than shall be allowed, the undertaker or undertakers shall, for every such offence, forfeit and pay five dollars, to be recovered before any justice of the peace, with costs, for the use of the party injured, in which it shall be sufficient to summon the toll-gatherer to appear before such justice.

Sec. 15. The non-payment of any fine or penalty, by this act directed to be inflicted on the undertaker or undertakers, shall be a breach of his or their bond, herein directed to be given to the commissioners.

Sec. 16. The said road, toll-house, gate and tolls, shall be vested in the undertaker or undertakers, his or their heirs or assigns, as real estate forever.

Sec. 17. If any person shall do any act with intent to evade the payment of toll when the same shall be demandable, such person shall forfeit to the undertaker or undertakers, for each offence, the sum of two dollars and costs, to be recovered by warrant, before any justice of the peace; and if the offender shall be a slave, the fine shall be paid by his owner.

Sec. 18. A fair list of the rates of toll shall by the undertaker or undertakers be constantly kept up at the toll gate, which from time to time may be lawfully demanded for the information of passengers, under the penalty of two dollars per day, to be recovered by warrant, with costs, before a justice of the peace, in which it shall be sufficient to summon the toll-gatherer to appear before such justice:

Provided, That nothing in this act contained, shall be so construed, as to prevent the undertaker from erecting a toll house or gate on any land the property of any person unknown, or not resident within the county of Montgomery, or running the road through such land, or taking therefrom, stone, earth, gravel or wood, without previously paying or tendering the value of the materials, or the amount of the damages ascertained, as herein before directed.

Sec. 19. This act shall commence and be in force from and after the passage thereof.

CHAPTER XVIII.

An ACT establishing certain Public Warehouses in the Town of Lynchburg.

[Passed December 31st, 1805.]

Section 1. *BE it enacted by the General Assembly*, That a public warehouse shall be, and the same is hereby established on John Lynch's lot, lying near the river, in the town of Lynchburg, to be called and known by the name of Liberty Warehouse; and that a public warehouse shall be, and the same is hereby established on the land of James Martin in the said town of Lynchburg, to be called and known by the name of Union Warehouse. The proprietors of the said warehouses respectively, shall build them of brick or stone, and cover them with slate or tile.

Sec. 2. There shall be allowed and paid annually to each of the inspectors of the said warehouses, the sum of two hundred and fifty dollars for their salaries: *Provided always*, That if the quantity of tobacco inspected at the said warehouses, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiencies shall not be paid by the public.

Sec. 3. The duty on tobacco inspected at the said warehouses, shall be the same, and collected, accounted for and paid in like manner, as is directed and prescribed by law for other tobacco inspections.

Drivers of
carriages to
keep on right
hand side of
road.

Penalty on
toll-gatherer
for miscon-
duct.

Non payment
of fine or pe-
nalty breach
of undertak-
ers' bond

Road, &c.
vested in un-
dertaker.

Penalty on
persons ev-
ading pay-
ment of toll.

Rates of toll
to be kept up
at toll gate.

Proviso.

Commence-
ment.

Warehouse
authorised on
land of John
Lynch in
Lynchburg.

Inspectors'
salaries.

Duty on to-
bacco.

Sec. 4. The court of the county of Campbell shall recommend fit persons to be commissioned inspectors at the said warehouses.

Sec. 5. No person shall be obliged to receive any notes for tobacco passed at the warehouses hereby established, in discharge of any tobacco contract heretofore entered into.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

Campbell
court to re-
commend in-
spectors.

No person ob-
liged to re-
ceive tobacco
notes in dis-
charge of a ri-
or contract.

CHAPTER XIX.

An ACT declaring Clinch River a Public Highway.

[Passed January 1st, 1805.]

WHEREAS, it is represented to this General Assembly, that the navigation of Clinch river, is an object of importance to the citizens of this commonwealth; wherefore the better to secure to the inhabitants of the western country the free use of the said river:

Preamble.

Section 1. *Be it therefore enacted*, That the said Clinch river is hereby declared a public highway, and free for the use of the citizens of this commonwealth, in common with the citizens of the United States, from the junetion of the Maiden Springs and North Fork, to the line of the state of Tennessee.

Clinch river
declared pub-
lic highway.

Section 2. *And be it further enacted*, That if any person or persons whatever, shall hereafter obstruct the navigation thereof, or the passage of fish in the same, by erecting any mill-dam, or any dams for other public works, across the said river, the person or persons so offending, shall be deemed guilty of nuisance, and moreover shall forfeit and pay twenty-five dollars for every day they shall continue the same, to be recovered by action of debt or information, and to be applied towards lessening the county levy of that county in which the said offence shall be committed: *Provided nevertheless*, That nothing in this act shall be so construed as to prevent the citizens of this commonwealth from making dams of loose stones in the said river, for the purpose of catching fish, so that they do not obstruct the navigation.

Penalty on
persons ob-
structing na-
vigation.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER XX.

An ACT remitting certain Militia Fines.

[Passed January 1st, 1806.]

Section 1. *BE it enacted by the General Assembly*, That all fines imposed by a regimental court of enquiry held for the sixty eighth regiment, at Williamsburg, the twenty eighth day of November last, on the members of captain Robert Anderson's company of militia in the said city, for failing to attend all or either of the company musters called by the captain, on the twenty fourth and thirty first of August, on the seventh, fourteenth, twenty first and twenty eighth of September, and on the nineteenth of October last, be, and the same are hereby as fully and absolutely remitted, as if they had never been imposed.

Certain mil-
itia fines re-
mitted.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER XXI.

An ACT authorising the payment of a Sum of Money to Thomas Millan.

[Passed January 1st, 1806.]

WHEREAS, Thomas Millan, formerly deputy sheriff of Fairfax county, did, in the year one thousand eight hundred, over-pay into the treasury sixty four dollars and sixteen cents, on account of militia fines, and for which he has never been reimbursed:

Preamble.

Section 1. *Be it therefore enacted by the General Assembly*, That the auditor of public accounts is hereby authorised and required to issue a warrant on the treasury for the sum of sixty four dollars and sixteen cents, with interest from the thirty first day of May, one thousand eight hundred and two, to Thomas Millan, formerly deputy sheriff of Fairfax county, to be paid out of any fund therein.

Money re-
funded to
Thomas Mil-
lan.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER XXII.

An ACT to Repeal "An Act for Killing Crows in certain Counties."

[Passed January 1st, 1806.]

Section 1. *BE it enacted by the General Assembly*, That the act passed on the nineteenth day of January, one thousand eight hundred and five, entitled, "An act for killing crows in certain counties," shall be, and the same is hereby repealed.

Commence-
ment.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

CHAPTER XXIII.

An ACT making provision for improving and keeping in repair certain parts of the State Road leading through the County of Randolph.

[Passed January 3d, 1806.]

Part of revenue of Randolph county applied to public road.

Court to appoint superintendent.
Who is to give bond, &c.

May be removed by court.

To lay his accounts before the court.

Proviso.

Commencement and continuance.

Section 1. *BE it enacted by the General Assembly,* That the sum of two hundred dollars be annually appropriated out of the revenue due, or which may hereafter become due to the commonwealth, in the county of Randolph, for the space of three years, for the purpose of improving and keeping in repair, that part of the state road leading through the said county to Clarksburg, lying between David Manier's ferry at Cheat river, and Peter Hackert's, under the regulations herein after mentioned.

Sec. 2. The court of the said county of Randolph, at their next June session, or as soon thereafter as convenient, shall appoint some fit and proper person as superintendent of the said road, who shall enter into bond and security, in such penalty as to the said court shall appear expedient, payable to the Governor for the time being, and his successors, for the use of the commonwealth, conditioned for the faithful performance of his duty; and shall moreover take an oath before the said court, faithfully to execute the office of superintendent, as provided by this act.

Sec. 3. The said superintendent shall, within two months thereafter, employ so many labourers, horses and carriages, as he shall deem necessary, and shall thereupon commence the improvement of the said road, in such manner, and at such places, within the aforesaid distance, as he shall deem proper and best calculated to promote the public interest: *Provided however,* That the court of the county of Randolph (a majority of all the members being present) shall have power to controul the said superintendent, and to make such regulations from time to time for his government, as to them shall appear expedient; and such majority shall moreover have power, for good cause shewn them, to remove such superintendent.

Sec. 4. The said superintendent shall, once in every month (when he is employed as aforesaid) lay before the court of the said county, a statement of his proceedings, including an account of the number of hands, horses and carriages employed, and the number of days they have been in such service; and the court, being satisfied with the justice of such account, shall certify the same, together with the compensation they conceive such superintendent, labourer or proprietor entitled to, and such certificate shall entitle such person or persons to receive from the sheriff of the said county, such amount, to be paid out of any monies in the hands of such sheriff, collected by him on account of any revenue due from the said county.

Provided, That nothing in this act contained, shall be so construed, as to authorise any greater expenditure in any one year, than the sum herein expressly appropriated.

Sec. 5. This act shall commence and be in force from and after the first day of March next, and shall continue in force for and during the term of four years thereafter, and no longer.

CHAPTER XXIV.

An ACT for raising a certain sum of money by way of Lottery or Lotteries, for the benefit of Rumford Academy in the County of King William.

[Passed January 2d, 1806.]

Commissioners to manage lottery for benefit of Rumford Academy.

Trustees for appropriating money.

Section 1. *BE it enacted by the General Assembly,* That it shall and may be lawful for Spencer Roane, John Roane, William Brockenbrough, Robert Pollard, John Anderson, Beverly Robinson, Philip Aylett, Robert Hill, Carter Braxton and William D. Claiborne, gentlemen, or a majority of them, to raise by lottery or lotteries, the sum of four thousand two hundred dollars, for the purpose of procuring a library and philosophical apparatus for the use of the students of Rumford Academy in the county of King William.

Sec. 2. *And be it further enacted,* That Spencer Roane, John Roane, William Brockenbrough, William D. Claiborne, Robert Pollard, Cole Diggs, Philip Aylett, Robert Devenish and Beverly Robinson, shall be, and they are hereby appointed trustees, for the purpose of receiving and appropriating the aforesaid sum of money, when raised, to the purchase of all such books as may be deemed necessary; and also of a complete philosophical apparatus for the use of the aforesaid Academy, which, when purchased, shall be vested in the president and masters of the said Academy, for the time being, and their successors, for the use aforesaid; and the said trustees, or a majority of them, shall have full power and authority to make such rules and regulations respecting the same, as to them shall seem necessary; and they, or a majority of them, shall have full power to supply all vacancies that may happen in their body, by death, resignation or otherwise.

Sec. 3. *And be it further enacted*, That it shall be the duty of the said president and masters, at least once a year, and oftener, if required, to render to the said trustees a true report of the state and condition of the books and apparatus aforesaid.

Sec. 4. This act shall commence and be in force from and after the passing thereof.

President &
masters of
Academy to
render ac-
count of
books, &c. to
trustees.

CHAPTER XXV.

An ACT altering the Reward for Killing Wolves in certain Counties, and for other purposes.

[Passed January 2d, 1806.]

Section 1. *BE it enacted by the General Assembly*, That every person who shall kill any wolf above the age of six months, in the county of Washington, shall have a reward of two dollars; and for every wolf under the age of six months, to be adjudged by the justice before whom the scalp shall be brought, one and one quarter dollars; and every person who shall kill any wolf above the age of six months, in the county of Grayson, shall be entitled to receive four dollars; and for every wolf under that age, the sum of two dollars, to be adjudged as aforesaid; and every person who shall kill any wolf above the age of six months, in the county of Augusta, shall have a reward of six dollars; and for every wolf under the age of six months, to be adjudged as aforesaid, three dollars; which said sums shall be in lieu of the reward now allowed by law in the said counties, and shall be levied and paid in the county where the same shall be killed, in like manner as other county charges are annually levied and paid, the party or parties entitled thereto, producing a certificate or certificates therof, obtained in the manner required by this act.

Reward
for killing
wolves.

Sec. 2. Every person claiming such reward, shall produce the whole scalp of every wolf to a justice of the peace of the county wherein the same shall be killed, and shall then also, before the same justice, make oath or affirmation to the effect following, that is to say; "I, A. B. do swear, that the scalp or scalps (as the case may be) by me now produced, was or were taken from a wolf or wolves killed by me in the county of So help me God." And thereupon the justice shall grant to the person a certificate, reciting his name, the number of scalps produced, either of old wolves, or such as in his judgment appear not to exceed six months, the time and place when and where killed, and that oath or affirmation, or other sufficient proof hath been made before him; which being produced to the court laying the levy, shall entitle the party or parties therein named, to the reward aforesaid; but no claim or demand shall be allowed without such certificate: *Provided always*, That every justice of the peace shall cause the ears of all wolf scalps brought before him, to be cut off in his presence, and shall not grant a certificate for any scalp without ears.

Duties of
person claim-
ing reward.

Sec. 3. *And be it further enacted*, That so much of the act passed in the year one thousand eight hundred and two, entitled, "An act increasing the reward for killing wolves in the counties of Madison, Patrick, Harrison, Rockingham and Culpeper, as relates to the county of Harrison, shall be, and the same is hereby repealed.

Certain part
of acts re-
pealed.

Sec. 4. All and every act or acts coming within the meaning of this act, is hereby repealed.

Repealing
clause.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER XXVI.

An ACT authorising a Sum to be raised by Lottery, for opening a Road from Monongalia Glades to the mouth of Fishing Creek.

[Passed January 2d, 1806.]

Section 1. *BE it enacted by the General Assembly*, That Morgan Morgan, senior, William Haymond, Thomas Barnes, Stephen Morgan and Augusta Ballah, gentlemen, commissioners, or any three of them, shall be, and they are hereby authorised to raise by lottery or lotteries, a sum not exceeding two thousand dollars, to be by them, or any three of them, applied towards opening and making a good road from the Monongalia Glades, in the county of Monongalia, to the mouth of Fishing creek on the river Ohio.

Commission-
ers of lottery.

Sec. 2. This act shall be in force from the passing thereof.

Commence-
ment.

CHAPTER XXVII.

An ACT establishing certain Inspections of Flour.

[Passed January 2d, 1806.]

Section 1. *BE it enacted by the General Assembly*, That inspections of flour shall be, and they are hereby established at the following places, that is to say; on the land of Benjamin Robinson, at the mouth of Ten Mile creek, in the county of Harrison; and at the warehouse of Richard Simms, in the county of Ohio, under the like rules and regulations as other inspections of flour within this commonwealth.

Flour inspec-
tions es-
tablished.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER XXVIII.

An ACT to amend the Act, entitled, "An act for establishing an Academy in or near the City of Richmond."

[Passed January 2d, 1806.]

Five trustees
of Richmond
Academy
constitute a
board.

Proviso.

Commerce-
ment.

Commission-
ers to view
and mark out
way.

Duties of
commissi-
oners.

Proviso.

Commission-
ers may con-
tract with
owners of
land.

Commission-
ers may con-
tract with
owners of
land.

Appropria-
tion.

Section 1. *BE it enacted by the General Assembly,* That it shall and may be lawful for any nine of the persons who have been, or hereafter may be appointed trustees of the Richmond Academy, in the county of Henrico, to hold a board for the purpose of exercising any of the powers, or performing any of the duties, which, by an act passed the twenty ninth day of December, one thousand eight hundred and three, entitled, "An act for establishing an Academy in or near the city of Richmond," may be exercised or performed by a majority of the said trustees.

Sec. 2. *Provided however,* That no smaller number than a majority of the said trustees, shall be sufficient to direct or authorise a sale of any real estate belonging to the said Academy.

Sec. 3. This act shall be in force from the passing thereof.

CHAPTER XXIX.

An ACT appointing Commissioners to view and mark out a way for a Road from Thornton's Gap in the Blue Ridge, to the Little River Turnpike Road leading to Alexandria; and to raise a certain Sum of Money by Lottery, for opening the said Road.

[Passed January 3d, 1806.]

Section 1. *BE it enacted by the General Assembly,* That Zephaniah Turner, Lewis Conner, George Brittain, William Kemp, Thomas Spindle, Charles Harper and William Horner, be, and they are hereby appointed commissioners to view and mark out the way for a road from Thornton's Gap in the Blue Ridge, through Culpeper and a part of Fauquier counties, to Fauquier courthouse; and that James Hunton, Thadius Norris, Thomas Jennings, Charles Ewell, James Kemp, William H. Terrett and George Summers, be, and they are hereby appointed commissioners to view and mark out the way for a road from the courthouse of Fauquier county, through the counties of Fauquier, Prince William and part of Fairfax, to the turnpike road leading from Little river to Alexandria; and that a majority of the said commissioners, on each part of the said road, shall be competent to do any act or acts by this law directed to be done, on such part of the said road, as they are respectively appointed to act on, except as herein after excepted.

Sec. 2. *Be it further enacted,* That so soon as the said commissioners shall have viewed and marked out the way for the said road, they shall report to the court of each of the said counties, the way the said road is intended to be run through such county, and upon such report being made to the said county courts respectively, such courts shall, and each of them are hereby required to cause a writ or writs, in the nature of a writ of ad quod damnum to issue, directed to the sheriff of their counties, which it shall be the duty of the said sheriff of such county, to execute and return at or before the second court after such writ or writs shall have issued, in pursuance of which writ or writs, the jury summoned by the said sheriff, which shall consist of twelve free-holders, shall assess the damages which each person through whose land such road shall be intended to be opened, will sustain, in their opinions, by means of opening the said road, and their valuations so made, shall be specially stated, with the names of the persons in whose favor they shall assess such damages in their inquest, which the said sheriff shall return sealed to the court of such county: *Provided,* That no jury shall be compelled to assess the damages as aforesaid, for a greater distance on the said road than ten miles, nor less than five, and it shall be the duty of the sheriff to summon and impanel a sufficient number of jurors, as near as conveniently he can to the different parts of the said road, to make the said assessments.

Sec. 3. *Be it further enacted,* That it shall be lawful for the said commissioners to contract with any person through whose land the said road shall run, for a sum of money in lieu of all damages which might otherwise be assessed, to be paid in such way as is herein after mentioned.

Sec. 4. *Be it further enacted,* That in order to defray the expenses incident to opening and establishing the said road, that it shall and may be lawful for William Horner, George B. Pickett, Gustavus B. Horner, John A. Smith, Hugh R. Campbell, Richard Baker, Charles Marshall, Charles Tutt, Thadius Norris and Thomas Hunton, or a majority of them, to raise by lottery or lotteries, so much money, not exceeding six thousand dollars, as they shall think sufficient for the purposes of paying and discharging the different amounts of damages so assessed on the said road, or contracts made by the said commissioners of the said road, with individuals through whose lands the said road shall be opened, the sums necessary for opening the same; a sum not exceeding three dollars per day, to each of the said commissi-

oners of the said road, while actually employed in viewing and marking out the said road; and lastly, towards erecting a bridge or bridges across the principal water course or courses over which the said road shall pass; the stream or streams over which the said bridge or bridges are to be erected, shall be determined on by a majority of all the commissioners on both parts of the said road, at a meeting to be held for that purpose.

Sec. 5. *Be it further enacted*, That before any money shall be drawn for the purposes aforesaid, from the managers of the said lottery, after the same shall have been carried into effect, that the said commissioners of the road shall procure from the court of that county where such sum is to be paid, an order, signed by the clerk of the said court, on the managers of the said lottery, for such amount; and all contracts made by said commissioners with any individual, for money in lieu of damages otherwise to be assessed by a jury, shall be returned to such court, to be by them approved or annulled, and before any commissioner shall be entitled to the compensation for his services aforesaid, he shall state the same in writing, and return an account thereof on oath, to the court of either of the said counties.

Sec. 6. *Be it further enacted*, That the commissioners of the said road, or a majority of them, on each part of the said road, shall have full power to contract with any person or persons for opening the said road, or any part thereof, which shall be in such part of the said road as such commissioners are appointed for.

Sec. 7. *Be it further enacted*, That the sheriffs of the said counties respectively, shall be entitled to the sum of five dollars for summoning and empanelling each of the said juries, and for all other services herein directed to be performed by him, to be paid in manner aforesaid.

Sec. 8. *Be it further enacted*, That after the said road shall be opened, the courts of the counties through which the same shall run, shall cause the same to be kept in repair in the same manner as other public roads are kept in repair in this commonwealth.

Sec. 9. In case any of the said persons herein named as commissioners of the said road, shall refuse to act, depart this life, or remove, the remaining part of the said commissioners shall act; *Provided*, the number on each part of the said road shall not be reduced at any time to less than three, by means of such refusal, death or removal; and if the number of such commissioners on each part of the said road shall be reduced to less than three, at any time, then it shall be the duty of the court of such county wherein the said refusal to act, death or removal shall have happened, to appoint another or other commissioner or commissioners, till such number shall be equal to three on each part of the said road.

Sec. 10. This act shall commence and be in force from and after the passing thereof.

Manner of drawing money from managers of lottery.

Powers of commissioners for managing road.

Pay of sheriff for summoning jury.

Road when opened to be kept in repair by counties.

Manner of filling vacancies among commissioners.

Master commissioners in county and corporation courts may issue tickets as clerks of courts.

All commissioners in chancery may administer oaths.

Persons qualified as master commissioners.

May issue subpoenas.

CHAPTER XXX.

An ACT concerning Master Commissioners in Chancery.

[Passed January 3d, 1806.]

Section 1. *BE it enacted by the General Assembly*, That the commissioner or commissioners of the county and corporation courts, may issue their tickets for the sums allowed by said courts, for services performed by them under the orders of the said courts, and deliver them to the sheriffs or serjeants of their respective counties or corporations, at the same time the clerks of the courts thereof are directed by law to deliver their tickets; and the several sheriffs or serjeants shall collect and account for them, as well those which may now be due, as those which shall hereafter become due, in the same manner, and under the like penalties, and shall have the same allowance for collecting, and insolvencies, as are prescribed in the case of the clerks of the said county and corporation courts.

Sec. 2. *And be it further enacted*, That commissioners in chancery, as well those in the county and corporation courts, as those in the high courts of chancery, be, and they are hereby empowered to administer an oath or affirmation in all cases to them referred by their respective courts, wherein it shall be necessary to examine witnesses on oath or affirmation, and if any person sworn or affirmed by any of the said commissioners, by virtue of this act, shall give any evidence under such circumstances as would have constituted the same to be perjury if given in the presence of a court of record, the same shall be deemed perjury to all intents and purposes.

Sec. 3. *And be it further enacted*, That no justice of the peace of any county, or mayor, recorder or alderman of any corporation court, who is, or shall be a commissioner in chancery, shall give an opinion on the reference of any cause, nor on the trial of any suit in which he has, or shall have acted as commissioner.

Sec. 4. *And be it further enacted*, That the commissioners in chancery of the superior and inferior courts in this commonwealth, shall and may issue subpoenas for witnesses to attend before them, to be executed and returned in like manner as subpoenas issued by the clerks of such courts; and if a subpoena be issued by a com-

missioner in chancery and served upon the witness or witnesses named therein, and he, she, or they, shall fail to attend, according to the requisition of such subpoena, such commissioner shall report such default, and thereupon such proceedings shall be had before the court to which such report shall be made, as would be had if such witness or witnesses had been summoned to such court to give evidence on a trial therein depending, and had made default. And moreover, such witness or witnesses shall be liable to such action for damages at the suit of the party aggrieved, as he, she, or they would have been liable to for a default in court as aforesaid.

Commerce-
ment.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

CHAPTER XXXI.

An ACT establishing certain Inspections of Tobacco in the County of Kanawha.

[Passed January 4th, 1806.]

Inspection of
tobacco on
the land of
N. Wood in
Kanawha
county: also,
on land of T.
Buffington.

Inspectors'
salaries.

Duties.

Warehouses.

Notes not re-
ceivable for
prior debts.

Commerce-
ment.

Section 1. *BE it enacted by the General Assembly*, That it shall be lawful to erect public warehouses at the following places, that is to say: On the land of Nehemiah Wood, at or near the courthouse of Kanawha county, to be called and known by the name of Wood's Warehouse; and on the land of Thomas Buffington, at the confluence of Great Guyandotte river with the Ohio, to be called and known by the name of Buffington's Warehouse.

See. 2. There shall be allowed and paid annually to each of the inspectors at the said warehouses, the sum of seventy-five dollars for their salary: *Provided always*, That if the quantity of tobacco inspected at the said warehouses, shall not be sufficient to pay the usual charges and the inspectors' salaries, the deficiencies shall not be paid by the public.

Sec. 3. The duty on tobacco inspected at the said warehouses, shall be the same, and collected, accounted for and paid, in like manner, as is directed and prescribed by law for other tobacco inspections.

Sec. 4. The proprietors of the said warehouses respectively, shall erect, at their own expense, good and sufficient houses, for the reception of tobacco; and so soon as the same shall be completed, the court of the county of Kanawha shall recommend fit persons to be commissioned inspectors thereof.

Sec. 5. No person shall be obliged to receive any notes for tobacco inspected at either of the warehouses hereby established, in discharge of any tobacco contract heretofore entered into.

See. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER XXXII.

An ACT authorising a Toll Bridge over Pagan Creek in the County of Isle of Wight.

[Passed January 4th, 1806.]

Toll bridge
over Pagan
creek
J. Hodsden &
T. Pierce.

Tolls.

Penalty for
exacting too
high tolls.

Proviso.

Commerce-
ment.

Section 1. *BE it enacted by the General Assembly*, That it shall be lawful for Joseph Hodsden and Thomas Pierree, their heirs or assigns, to erect a toll bridge across Pagan creek, at the said Hodsden's Point, in the county of Isle of Wight.

Sec. 2. So soon as the said bridge shall be completed, it shall be lawful for the said Joseph Hodsden and Thomas Pierree, their heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say; for a man, five cents, and for an horse the same; and for the passage of wheel carriages, tobacco, cattle and other beasts over the said bridge, the said Joseph Hodsden and Thomas Pierree, their heirs and assigns, may demand and take the following tolls, that is to say; for every coach, chariot, four wheel chaise, or waggon, and the driver thereof, the same as for six horses; for every cart, two wheeled chaise, or chair, the same as for two horses; for every head of neat cattle, as for one horse; for every hogshead of tobacco, as for one horse; for every sheep, goat, lamb, or hog, one cent, and no more.

Sec. 3. If the collector of the tolls at the said place shall demand and receive from any person greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and two dollars, to be recovered with costs, before a justice of the peace of the said county: *Provided always*, That the said bridge shall be so constructed, that the navigation of the said creek may not thereby be injured or affected, under the penalty of one hundred dollars, to be recovered by bill, plaint or information, in any court of record within this commonwealth; one half to the use of the informer, and the other half to the use of the commonwealth.

Sec. 4. This act shall commence and be in force from and after the passing thereof.

CHAPTER XXXIII.

An ACT remitting a Fine to Drury Woodson.
[Passed January 6th, 1806.]

Section 1. *BE it enacted by the General Assembly,* That the three fines, amounting in the whole to the sum of sixty dollars, imposed on Drury Woodson, by a regimental court of enquiry, held for the seventeenth Virginia regiment, in the county of Cumberland, shall be, and they are hereby directed to be refunded: and that the auditor of public accounts is hereby authorised and required to issue his warrant on the treasury to the said Woodson, in person or by attorney, for the aforesaid sum of sixty dollars, to be paid out of any monies therein.

Fine refund-
ed to Drury
Woodson.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER XXXIV.

An ACT allowing certain Insolvencies to the account of William Cole, deceased.
[Passed January 7th, 1806.]

Section 1. *BE it enacted by the General Assembly,* That the auditor of public accounts is hereby authorised and required to receive the list of insolvent militia fines of William Cole, deceased, who acted as sheriff of Prince George county, for the years eighteen hundred and two, and eighteen hundred and three, and was collector of the militia fines for the year eighteen hundred and one; which list amounted to one hundred and fifty dollars, and place the same to the credit of his account; and that thirty nine dollars and two cents, the amount of taxes due in the year eighteen hundred and three, for the tax of eighteen hundred and one, by insolvent persons, shall also be placed to the credit of the account of the said William Cole, deceased.

Credit for
certain insol-
vencies to the
representa-
tives of Wm.
Cole, dec.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER XXXV.

An ACT to amend the Act, entitled, "An Act concerning the Town of Abingdon."
[Passed January 6th, 1806.]

WHEREAS, it is represented to this General Assembly, that the powers heretofore granted to the trustees of the town of Abingdon, are insufficient for the purposes intended by the said recited act:

Preamble.

Sec. 1. *Be it therefore enacted,* That hereafter there shall be only ten trustees elected for the town of Abingdon, and that at all future elections for trustees, the persons voting shall deliver to the sheriff or other officer taking the polls, a ticket containing a list of the persons whom he votes for as trustees, with his name written on the back thereof; and it shall be the duty of such sheriff or other officer, to keep a poll-book, wherein he shall insert the names of the voters as they deliver their tickets, and at the close of the election, he shall count the tickets in the presence of the clerk of the polls and of two trustees then in office, and shall certify to the court the persons having the greatest number of ballots, who are hereby declared to be duly elected; and the poll-book being signed by the clerk of the polls, shall be deposited in the clerk's office for the county of Washington.

Number of
trustees here-
after to be
chosen for
town of
Abingdon.

Mode of elec-
tion.

Sec. 2. Vacancies which may happen in the office of trustees of the said town, by death, resignation, or removal to the distance of two miles from the said town, or from any other cause, may be supplied by the remaining trustees, or a majority of them, and the trustees so appointed, shall have the same powers as those who have been elected until the next general election.

Vacancies a-
mong trus-
tees, how fil-
ed.

Sec. 3. *And be it further enacted,* That in addition to the powers heretofore granted to them, the said trustees, or a majority, are hereby authorised to impose fines, not exceeding ten dollars, on persons who may create nuisances within the limits of the said town of Abingdon, and shall have power to pass bye laws to restrain negroes from wandering about the streets after night; to appoint surveyors of the streets and alleys; to restrain hogs from running at large within the limits of the said town; and generally, to pass such other bye laws, rules and regulations, not contrary to the laws of this state, or of the United States, as they shall deem necessary for the good order and government of the said town, and to enforce the execution thereof, under penalties not exceeding ten dollars, to be recovered with costs, by warrant, before any justice of the peace for the county of Washington.

Additional
powers
granted
them.

Sec. 4. *And be it further enacted,* That it shall and may be lawful for the said trustees, or a majority of them, to appoint annually, one or more constables, or town serjeants, who, previous to the execution of any of the duties prescribed by this act, shall take an oath of office, and moreover give bond, with such security, and with such a penalty, as a board of trustees shall direct; whose duty it shall be to execute all orders, summonses and precepts to them directed on behalf of the said trustees; to collect and account for such taxes within the said town as shall be levied by the said trustees, in the same manner as county levies are collected and accounted for;

May appoint
constable or
serjeant.

His duties.

and the said trustees shall have the like remedy against such collector and his securities, for the recovery of such fines and taxes, as the county courts are entitled to for the recovery of county levies.

Sec. 5. All the penalties which accrue by virtue of this act, shall and may be recovered in the names of the trustees of Abingdon, and the money, when received, shall, by the said trustees, be applied in such manner as they shall think best for the benefit of the said town.

Sec. 6. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Sec. 7. This act shall commence and be in force from and after the passing thereof.

CHAPTER XXXVI.

An ACT Divorcing Ayres Tatham from his wife Tabitha.

[Passed January 6th, 1806.]

*Ayres Tat.
ham divorced
from his wife
Tabitha.*

Section 1. *BE it enacted by the General Assembly,* That a marriage solemnized between Ayres Tatham and a certain Tabitha Tatham, shall be, and is hereby dissolved, and the said Ayres Tatham forever divorced from the said Tabitha; that the power of the said Ayres over the person and property of the said Tabitha shall entirely cease; and that the said Ayres shall no longer be bound by any promise or contract which may hereafter be made or entered into by the said Tabitha.

Sec. 2. This act shall be in force from the passing thereof.

CHAPTER XXXVII.

An ACT establishing a Town on the land of James Simpson in the County of Botetourt.

[Passed January 6th, 1806.]

*Town of Sa.
lem establish.
ed on land of
James Simp.
son in Bot.
etourt.
Trustees.*

*Their pow.
ers.*

*Vacancies a.
mong, how
filled.*

*Commence-
ment.*

Section 1. *BE it enacted by the General Assembly,* That the land of James Simpson near the upper end of the county of Botetourt, as the same is already laid off into lots and streets, shall be established a town by the name of Salem; and that James Mason, William Lewis, Elijah M'Clenahan, William Blain, Lewis Cooper, John King and John Brough, gentlemen, shall be, and they are hereby constituted trustees thereof.

Sec. 2. The trustees of the said town, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the lots. So soon as the purchaser of any lot in the said town shall have built a dwelling house thereon equal to twelve feet square, with a brick or stone chimney, such purchaser shall enjoy the same privileges that the free-holders and inhabitants of other towns not incorporated hold and enjoy. Vacancies by death, or otherwise, of any one or more of the said trustees, shall be supplied by the remaining trustees, or a majority of them; and the persons so elected shall have the same power as if they had been named in this act.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

CHAPTER XXXVIII.

An ACT making an Addition to Westbrook Warehouse in the Town of Petersburg.

[Passed January 7th, 1806.]

*Addition to
Westbrook
warehouse.*

*Commence-
ment.*

Section 1. *BE it enacted by the General Assembly,* That the fire-proof brick building appendant to Westbrook warehouse, the property of James Byrne, in the town of Petersburg, shall be, and is hereby constituted and made a part of the said warehouse.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

CHAPTER XXXIX.

An ACT authorising a Sale of part of the Real Estate of John Peyton, deceased.

[Passed January 7th, 1806.]

Preamble.

WHEREAS, it has been represented to the General Assembly, by the widow, such of the heirs as are of age, the guardians of the infant heirs, and the administrators of the estate of John Peyton, late of the borough of Winchester, who died intestate in or about the month of October, in the year one thousand eight hundred and four; that it would greatly contribute to the present ease and convenience, and to the future interest of the said widow and heirs, if part of the real estate of the said John Peyton, in the borough of Winchester, and in the counties of Frederick and Berkeley, could be sold to discharge a debt due to John Morrow of Shepherd's town, and secured by mortgage on some very valuable lands in the county of Jefferson: And whereas, it has, in like manner been represented, that there are judgment and specialty demands to a considerable amount against the said estate, to discharge which, little or no personal assets will remain after paying simple contract debts due and owing from said estate; and that it will be very injurious to the rights of the

creditors, as well as to the interest of the heirs, if those demands cannot be satisfied, till after tedious, expensive and multiplied suits at common law and in chancery; and it appearing satisfactorily to have been the intention of the said intestate, to have subjected a part of his real estate to sale in order to disencumber the balance, and that such a measure will be conducive to the interest of his widow and children:

Section 1. *Be it therefore enacted*, That Edward Smith, James Singleton, Joseph Tidball, William Davidson and Henry Daingerfield, be, and they are hereby appointed commissioners, who, or any three or more of whom, are hereby empowered and directed, to sell as speedily as possible, and in such manner as they shall judge most advisable (having respect to the rights of the creditors, and the interests of the widow and orphans) and for the best prices that can be obtained, such and so much of the real estate of the decedent in the borough of Winchester, and in the counties of Frederick and Berkeley, as will be sufficient to satisfy what shall remain due of the said mortgage, judgment and specialty claims, after applying to the discharge of the same, the balance of the personal assets, if any, which shall remain after paying the simple contract debts due and owing from the said decedent's estate, and pay, or secure to be paid, to the respective creditors, in such time and manner as shall be satisfactory to them, the amount of their several demands; and should any surplus remain after the payment of the said demands, the same shall be considered real estate, and as such be distributed. And the said commissioners, or any three or more of them, are hereby fully authorised to make and execute such deed or deeds as may be necessary for conveying a good and sufficient title to any real estate that may be sold by them by virtue of this act. And in their selection of the property to be sold by virtue hereof, the said commissioners shall regard the present convenience and future interest of the aforesaid widow and heirs; and their proceedings when sanctioned by the county court of Frederick, to which they are hereby directed to report the same, shall be valid to confirm the titles to the purchaser or purchasers against all persons claiming under the said John Peyton, deceased.

Sec. 2. This act shall be in force from the passing thereof.

Commissioners appointed to dispose of upon certain terms, part of the real estate of John Peyton, dec.

To make conveyances.

Proceedings to be returned to county court of Frederick.

Commencement.

CHAPTER XL.

An ACT to Increase the Salaries of the Inspectors at Woodson's Warehouse.

[Passed January 7th, 1806.]

WHEREAS, it is represented, that the salaries allowed to the inspectors of tobacco at Woodson's warehouse, near the town of Cartersville, are inadequate to their services:

Section 1. *BE it therefore enacted by the General Assembly*, That there shall hereafter be allowed and paid annually to each of the inspectors at the said warehouse, the sum of two hundred and eighty dollars in lieu of the salaries heretofore allowed by law.

Sec. 2. This act shall commence and be in force from the passing thereof.

Preamble.

Salaries of inspectors at Woodson's warehouse raised.

Commencement.

CHAPTER XLI.

An ACT establishing a Turnpike over the Blue Ridge at Thornton's Gap.

[Passed January 7th, 1806.]

Section 1. *BE it enacted by the General Assembly*, That Isaac Strickler, John Roads, Christy Furrer, Andrew Kiser and John Fristoe, are appointed commissioners, who, or a majority of them, are hereby authorised and empowered to contract and agree with some person for clearing, repairing and improving the road from the land of Martin Shenk on the north west side of the Blue Ridge, in the county of Shenandoah, over the Blue Ridge at Thornton's Gap, to Francis Yate's tavern on the south east side; and the contract so to be made, shall be in writing, signed by the undertaker and commissioners, or a majority of them, and attested by two or more witnesses, and proved and recorded in the county court of Shenandoah; and the commissioners shall moreover take bond with sufficient security from the said undertaker, payable to themselves and their successors, in the penalty of five thousand dollars, with a condition reciting the contract; and that the said undertaker and his assigns, shall and will truly and faithfully perform the same within two years from the date thereof; which bond shall also be recorded in the court of the said county of Shenandoah, and may be prosecuted from time to time, in case of forfeiture, until the whole penalty shall be recovered in damages.

Commissioners to employ undertaker to repair road over the Blue Ridge at Thornton's gap.

Undertaker to give bond.

Sec. 2. In consideration of the great expense which the said undertaker will be put to in repairing and keeping the said road in repair, it shall and may be lawful for him and his assigns, after the said road shall be completed, to fix and establish a turnpike at such place thereon, as he and the said commissioners shall judge most convenient, and to demand and receive the following tolls or rates for passing the same, that is to say; for every coach, chariot, or waggon, the driver and horses, twenty-five cents; for every four wheeled chaise, or phæton and horses, seventeen

Undertaker may establish turnpike.

Tolls.

Promise.

cents; for every riding chair, or cart and horse, twelve and one half cents; for every man and horse, six and one fourth cents; for every head of black cattle, three cents; for every head of sheep, or hogs, one cent: *Provided always*; That it shall and may be lawful for the said undertaker, or his assigns, to demand and receive half the tolls or rates hereby allowed, when the said road shall be completed and finished from the top of the Blue Ridge to Jenkins's land, to be adjudged and approved by the said commissioners, or a majority of them, of which they shall give the said undertaker a certificate; and when the residue of the said road shall be finished, according to contract, to be adjudged and approved by the said commissioners, or a majority of them, a report thereof shall be by them made to the next court to be held for the said county of Shenandoah, and entered of record; and from thenceforth full tolls or rates may be demanded and received by the undertaker, or his assigns.

Powers and
duties of the
commission-
ers.

Sec. 3. The said commissioners, or a majority of them, are hereby empowered and required, from time to time, as they shall think necessary and proper, to view and examine the said road, after the same shall have been completed and finished according to contract; and if they shall find the same out of sufficient repair, then the said commissioners, or a majority of them, may lawfully destroy the said turnpike, or cause the same to be done, and the right of the said undertaker, or his assigns, to demand and receive any tolls or rates shall thenceforth cease: *Provided always*; That it shall be necessary for the said commissioners, or a majority of them, to give notice in writing to the said undertaker, or keeper of the said turnpike, stating such particular parts of the said road as may be out of repair, at least one month before they shall have power to destroy the same; and if the said undertaker or keeper, shall within that time, put the road into good and sufficient repair, then the power of the said commissioners to destroy the same shall cease.

If commis-
sioners destroy
turnpike, it
may be re-
established
on certain
terms.Necessary
ground may
be condem-
ned.Materials ne-
cessary may
be taken by
undertaker,
being first
valued.Penalty for
injuring said
road.Penalty for
exacting too
high tolls.Forfeitures
recovered of
undertaker to
be applied to
use of road.Tolls to be
received by
undertaker
for fifty yearsVacancies a-
mong com-
missioners,
how supplied
Commerce-
ment,

Sec. 4. *And be it further enacted*, That if the said turnpike shall hereafter be destroyed by the said commissioners, the said undertaker, his heirs or assigns, may re-establish the same, to be completed within six months, and kept in good repair for two months thereafter, before the said undertaker shall be permitted to demand and receive tolls thereon. The undertaker or keeper of the said turnpike, by and with the advice and consent of the commissioners, and of the county court of Shenandoah, is hereby authorised and permitted to alter the direction of the said road where it will be improved thereby: And if the proprietor or proprietors of any ground through which the said road, by such alteration, may pass, shall require compensation for the same, and also for the additional fencing, which may be thereby rendered necessary, and the said undertaker or his agent shall not be able to agree with the owner or his agent for the price thereof, the said undertaker may apply to the court of the county in which the land lies, whose duty it shall be to direct the sheriff of the said county to summon twelve disinterested free-holders of his county, who, being first sworn, shall view the said ground and assess the value thereof, and any other damages, in the manner prescribed by an act, entitled, "An act concerning public roads;" which assessment shall be paid by the said undertaker or his agent, to the owner of the land or his agent, before the said road shall be opened through the said ground. And for keeping the said road in repair, the said undertaker may take from the land adjoining, any materials necessary therefor, the same being first viewed and valued by two free-holders appointed and sworn for that purpose by a justice of the peace.

Sec. 5. *And be it further enacted*, That if any person or persons shall hereafter drag any log or tree down the mountain, or injure the said road in any useless manner, or shall refuse, or use any means to pass the said turnpike without paying the legal tolls, he, she, or they, shall forfeit and pay to the said undertaker or keeper, three dollars for such offence, recoverable by warrant before any justice of the peace.

Sec. 6. If the said undertaker, or his assigns, shall demand and receive any greater tolls or rates than are hereby allowed, he shall forfeit and pay the tolls demanded and received, and two dollars, for every such offence, recoverable by warrant.

Sec. 7. All sums of money recovered of the said undertaker, or his security or securities, or his or their executors or administrators, shall be applied by the said commissioners, or a majority of them, towards repairing the said road, in such places and in such manner as to them shall seem best.

Sec. 8. If the said undertaker, or his assigns, shall repair, and constantly keep the said road in repair, according to contract, he or they shall and may demand and receive the said tolls or rates for and during the term of fifty years, to be computed from the time the said road shall have been received by the said commissioners, and no longer.

Sec. 9. In case of the death, removal, refusal to act, or resignation of a commissioner, such vacancy, so often as it happens, shall be supplied by appointments to be made by the court of the said county of Shenandoah, and the person or persons so appointed, shall have the same power as if they had been particularly named in this act.

Sec. 10. This act shall commence and be in force from and after the passing thereof.

CHAPTER XLII.

An ACT authorising a sum of Money to be raised by Lottery for Building a Toll Bridge over Cheat River.

[Passed January 7th, 1806.]

Section 1. BE it enacted by the General Assembly, That Michael Kern, John Stealy, Augustus Werninger, Ralph Berkshire and William N. Jarrett, or any three of them, be, and they are hereby authorised to raise by lottery or lotteries, a sum of money not exceeding four thousand dollars, to be by them, or any three of them, applied towards building a bridge over Cheat river, where the state road crosses the same, near the Dunker-bottom, in Monongalia county. And the said commissioners are hereby required, so soon as the said bridge shall be completed, to make report thereof to the court of the said county of Monongalia, who shall thereupon, or as soon thereafter as they may deem it expedient, proceed to fix the rates of toll over the said bridge, which shall not exceed the rates of ferriage heretofore allowed for crossing the said river at the same place, and to rent out the said bridge for the best price that can be had, or appoint some fit person to act as collector of the tolls thereof. Every toll-gatherer to be appointed in virtue of this act, shall give bond with security; to be approved of by the justices of the said court sitting at the time of executing the same, payable to the said justices and their successors, conditioned that he will faithfully account for and pay the amount of the said tolls by him received, at such time or times as may be required by the said court.

Commissioners to manage lottery.
Money raised to build toll bridge over Cheat river.

Rates of toll.

Duties of toll-gatherer.

Sec. 2. And be it further enacted, That the amount of the rent or tolls of the said bridge, after the salary of the collector, in case one shall be appointed, and the expenses of keeping the said bridge in repair, are paid, shall be applied under the directions of the said court, for the first seven years, towards improving the state road from the Maryland line to the Monongalia river, and forever thereafter, towards educating the poor children in the county of Monongalia.

Appropriation of tolls.

Sec. 3. This act to commence and be in force from the passing thereof.

Commencement.

CHAPTER XLIII.

An ACT respecting the Mutual Assurance Society against Fire on Buildings of the State of Virginia.

[Passed January 8th, 1806.]

Section 1. BE it enacted by the General Assembly, That such further time may be allowed from and after the first day of January next, to complete the re-valuation of buildings which may have been insured in the towns, and in the country, as the president and directors of the said company may deem necessary.

Further time allowed for re-valuation of buildings.

Sec. 2. This act shall be in force from and after the passing thereof.

Commencement.

CHAPTER XLIV.

An ACT for Incorporating Trustees of an Academy in the Town of Dumfries.

[Passed January 8th, 1806.]

Section 1. BE it enacted by the General Assembly, That the honorable Bushrod Washington, Richard Brent, John Minor, Alexander Henderson, George Graham, senior, George Graham, junior, John Spence, John Bronaugh, Benjamin Botts, Thomas Swann, Walter Jones, junior and William Alexander Dade, gentlemen, be, and they are hereby constituted a body politic and corporate, by the name of "The Trustees of the Dumfries Academy;" and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded in any court of law or equity. The said trustees, or any five of them, by the name aforesaid, shall be capable in law to purchase, receive and hold, they and their successors forever, any lands, tenements, rents, goods and chattels, of what kind soever, which may be purchased by, or devised, or given to them for the use of the said academy, and to lease, rent, or otherwise dispose of the same, in such manner as to them shall seem most conducive to the advantage of the said academy: Provided however, That not less than a majority of the said trustees shall be sufficient to authorise a sale of any real estate belonging to the said academy.

Trustees appointed for Dumfries Academy.

Their powers and duties.

Sec. 2. The said trustees and their successors, or any five of them, shall have power from time to time, to make and establish such bye laws, rules and regulations, not contrary to the laws or constitution of this commonwealth, or of the United States, as they may judge necessary for the government of the said academy, and to appoint a president, secretary, tutors, librarian and treasurer, and any other officers that may be necessary. The treasurer shall receive all monies accruing to the said academy, and property delivered to his care, and pay or deliver the same to the order of the said trustees or any five of them; and before he enters upon the duties of his office, shall give bond and security, in such sum as the said trustees, or any five of them shall direct, payable to them and their successors, with condition for

May establish bye-laws and appoint officers.

Duties of treasurer.

To give bond.

the faithful discharge of the trust reposed in him, and that he will, when required by the said trustees, or any five of them, render a just and true account of all monies, goods and chattels, received by him on account of, and for the use of the said academy. The said treasurer shall receive such salary as may be allowed by the said trustees, or any five of them; and if he fails to render, when required, a just and true account of all monies, goods and chattels, which may come to his hands by virtue of his office, or to appropriate and pay the same, as the said trustees, or any five of them may direct; it shall be lawful for the said trustees, or any five of them, to obtain a judgment for the amount or value thereof, by motion in any court of record in this commonwealth, against the said treasurer and his securities, his or their heirs, executors or administrators, and execution shall thereupon be issued in like manner as by law is directed against sheriffs for non-payment of taxes: *Provided*, That the defendant or defendants on every such motion, shall have ten days notice thereof in writing.

Vacancies among trustees, how supplied.

Sec. 3. In case of the death, resignation, or legal disability of any one or more of the said trustees, the vacancy or vacancies thereby occasioned, may be supplied by the remaining trustees, or a majority of them.

Trustees may receive subscriptions for benefit of Academy.

Sec. 4. The said trustees, or any five of them (which number shall in all cases be sufficient to constitute a board, except where, by this act, a greater number shall be particularly required) shall have power to take and receive subscriptions for the use of the said academy; and in case any person shall fail to comply with his or her subscription, to enforce the payment thereof by warrant before a magistrate, or by motion in any court of record in this commonwealth, giving ten days previous notice, as may be necessary, according to the amount of such subscription.

Commencement.

Sec. 5. This act shall be in force from the passing thereof.

CHAPTER XLV.

An ACT authorising John Brander to Erect a Toll Bridge over Swift Creek in the County of Chesterfield.

[Passed January 9th, 1806.]

John Brander may erect toll bridge over Swift creek.

Tolls.

Section 1. *BE it enacted by the General Assembly*, That it shall be lawful for John Brander, his heirs and assigns, to erect a bridge over Swift creek, at Brander's mills, in the county of Chesterfield.

Sec. 2. So soon as the said bridge shall be completed, it shall be lawful for the said John Brander, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say; for a man, three cents, and for an horse the same; for every coach, chariot, four wheeled chaise, or waggón, and the driver thereof, the same as for six horses; for every cart, two wheeled chaise, or chair, the same as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat, or lamb, one fifth part of the toll for one horse; and for every hog, one fourth part of the toll for one horse, and no more.

Penalty for taking more than legal tolls.

Sec. 3. If the collector of the tolls at the said place shall demand and receive from any person greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and two dollars, to be recovered with costs, before a justice of the peace of the said county.

Court of Chesterfield to appoint commissioners to view condition of bridge.

If out of order, may suspend tolls.

Commencement.

Sec. 4. The court of Chesterfield county are hereby empowered and required to appoint three commissioners, to view and examine said bridge, whenever any complaint may be made of its being out of repair, and upon the report of the same, that the said bridge is insufficient or unsafe for passengers, the said court may order the toll gate to be removed, and the right of the said John Brander, his heirs and assigns, to demand and receive tolls, shall cease, until said bridge be repaired in a good and sufficient manner, to be judged of by the said commissioners.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

CHAPTER XLVI.

An ACT concerning a Mill-dam authorised to be erected by Adam Hickman across the West Fork of Monongalia River.

[Passed January 11th, 1806.]

Mill dam across West Fork of Monongalia river, how to be erected by A. Hickman.

Section 1. *BE it enacted by the General Assembly*, That the mill-dam which Adam Hickman, his heirs and assigns, are authorised to erect across the West Fork of Monongalia river, by virtue of the act of Assembly passed the fifth day of January, one thousand eight hundred and five, entitled, "An act authorising Adam Hickman to erect a dam across the West Fork of Monongalia river, for certain purposes therein mentioned," shall be so erected that the abutment of the said dam shall be

on the lands now owned by the said Adam Hickman on both sides of the said river, and within the distance of one mile and three quarters of a mile of the town of Clarksburg.

Sec. 2. This act shall be in force from the passing thereof.

Commencement

CHAPTER XLVII.

An ACT concerning the Town of New Market, in the County of Shenandoah.

[Passed January 13th, 1806.]

Section. 1. *BE it enacted by the General Assembly,* That from and after the first day of March next, so much of the act passed the fourteenth day of December, one thousand seven hundred and ninety six, entitled, "An act establishing several towns," as appoints certain persons trustees of the town of New Market in the county of Shenandoah, shall be, and is hereby repealed.

Repealing clauses

Sec. 2. *And be it further enacted,* That it shall be lawful for the free-holders, house-keepers and free male persons above the age of twenty one years, who shall have been resident in the town of New Market and county of Shenandoah, one year next preceding the election, to meet at some convenient place in the said town annually, on the first Monday in April, and then and there elect seven fit and able men, being free-holders and inhabitants of the said town, to serve as trustees thereof, who shall continue in office until the first Monday in April in the succeeding year, and no longer, unless re-elected. The persons so elected shall proceed to choose out of their own body a president, whose authorities shall continue until the next annual election. Every trustee so elected, before he enters upon the duties required by this act, shall take an oath or affirmation before a justice of the peace for the said county, that he will faithfully and impartially to the best of his skill and judgment, execute his office according to the directions of this act. Each trustee so elected, and failing to take such oath or affirmation, within ten days after being notified of his election, shall forfeit and pay thirty dollars, to be recovered by motion in the county court of Shenandoah, in the name of the president, upon giving the party elected and so refusing ten days notice of such motion.

Trustees, how to be elected.

Sec. 3. The trustees of the said town of New Market, or a majority of them, are hereby authorised to make such bye-laws, rules and regulations as they may think necessary for the regular building of houses in the said town; to lay a tax, not exceeding eighty dollars annually, upon the house-keepers and inhabitants thereof, to be applied by the said trustees, or a majority of them, to keeping the streets and alleys of the said town in repair, and for making such provisions as they may think necessary for guarding against accidents by fire in the said town; to remove nuisances out of the streets and alleys at the expense of those who occasioned them, where they shall refuse to remove the same; to impose a fine, not exceeding four dollars, upon every person running any horse, mare or gelding, or playing at the game called long bullets in the streets and alleys of the said town, which fines shall be recoverable in the name of the president, before any justice of the peace of the county of Shenandoah; to appoint a clerk and collector, which collector shall be subject to the same rules and regulations as collectors of parish levies within this commonwealth. The trustees of the said town shall meet at least once in every two months, at such time and place as they may agree upon, and then and there form such rules and regulations for the government of the said town, as to them shall seem just, not contrary to the laws and constitution of this state, or the United States. The president of the said trustees shall place his signature to all acts, rules and regulations made in pursuance of this act, which acts, rules and regulations shall be entered by the clerk in a book to be kept for that purpose, which shall be open at all times for inspection. The sheriff of the county of Shenandoah, or such person as by him shall be appointed, shall hold the first election in April next for trustees to the said town, who shall make return of the persons so elected, together with a fair copy of the poll by him taken to the person who shall have the greatest number of votes, which shall be recorded by the clerk of the said trustees. Every subsequent election of the said trustees shall annually be conducted by the collector of the said town, who shall in like manner make return of the persons so elected, to the clerk of the said trustees, together with a copy of the poll, to be by him recorded.

Their powers.

Sec. 4. *And be it further enacted,* That all fines, charges, penalties and forfeitures imposed or incurred in virtue of the powers herein granted to the said president and trustees, and all monies expended and appropriated, where individuals are liable to reimbursement, shall be recovered in the name of the president of the said trustees, in the same manner as debts are recoverable by the laws of this commonwealth: And all fines recovered by the said trustees, shall be appropriated to the improvement of the said town.

Monies, &c., recoverable in name of president of said trustees.

Sec. 5. *And be it further enacted,* That it shall be the duty of the said trustees, or a majority of them, at the expiration of the term for which they were elected, to

Duties of trustees.

deliver to their successors in office, all the unappropriated monies that shall remain in their hands by them received, together with all the books and papers relating to their office. And it shall be the duty of the clerk to deliver to his successor, all books and papers relative to his said office, immediately on the expiration of the time for which he was appointed. And, in case the said trustees shall fail to pay to their successors in office any unappropriated monies in their hands, the same shall be recoverable by motion, in the name of the president, in the county court of Shenandoah, upon giving ten days previous notice of such motion.

Vacancies among, how filled.

Sec. 6. Vacancies occasioned by the death, resignation, or otherwise, of any of the said trustees, shall be supplied by appointments to be made by a majority of the remaining trustees; and the persons so elected shall continue in office until the next annual election, and no longer, unless re-elected; and during their continuance in office, shall have the like powers as are granted to the other trustees.

CHAPTER XLVIII.

An ACT allowing a Further Time to the Owners of Lots in certain Towns to Build thereon.

[Passed January 15th, 1806.]

Owners of lots in certain towns allowed further time to improve same.

Commerce. ment.

Section 1. *BE it enacted by the General Assembly,* That the owners of lots in the town of Hay Market in the county of Prince William, in the town of Dickensonville in the county of Russell, the town of Pleasantville in the county of Monongalia, in the town of Port Conway in the county of King George, and in the town of Liberty in the county of Bedford, shall be allowed the further time of seven years, to be computed from the expiration of the times heretofore allowed them by law to build on and improve the said lots.

Sec. 2. This act shall be in force from the passing thereof.

CHAPTER XLIX.

An ACT releasing to James Wright and Eve his Wife the Right of the Commonwealth to certain Land therein mentioned.

[Passed January 15th, 1806.]

Common- wealth's right to cer- tain land re- linquished to J. Wright & E. his wife.

Reservation.

Commerce. ment.

Section 1. *BE it enacted by the General Assembly,* That all the right, title, or interest which the commonwealth hath, or may have, in or to a certain tract of land lying in the county of York and near the city of Williamsburg, purchased by a certain George Reid, and whereof he died seized, and which hath become escheatable to the commonwealth, shall be, and is hereby vested in James Wright and Eve his wife, which said Eve was the widow and relict of the said George Reid, to be by the said James Wright and Eve his wife held and enjoyed in like manner as if the same had been devised by the said George Reid to the said Eve.

Sec. 2. Saving, however, to all persons, bodies, politic and corporate (other than the commonwealth) any right, title, or interest which they might or would have had in or to the said land, or any part thereof, if this act had not have been made.

Sec. 3. This act shall be in force from the passing thereof.

CHAPTER L.

An ACT allowing Edward Houchins a Sum of Money for his Present Relief, and placing him on the Pension List.

[Passed January 15th, 1806.]

Preamble.

WHEREAS, it appears to this General Assembly, that Edward Houchins served as a private in the militia, in the late revolutionary war, and that in the action in which general Gates was defeated, he received a wound in the arm, which has rendered him incapable of procuring a subsistence by manual labour, from that period to the present day; that so early as the year one thousand seven hundred and eighty seven, he obtained the necessary documents, and placed them in the hands of one of the representatives from Goochland county, with a view to secure that assistance from his country, which has been uniformly granted to others, under similar circumstances; and that in consequence of the said documents having been mislaid, and not recovered until very lately, he was deprived of an opportunity of exhibiting his just claim for a pension:

300 dollars granted E. Houchins for present relief

Section 1. *Be it therefore enacted,* That the auditor of public accounts shall be authorised, and he is hereby required, on the application of the said Edward Houchins, in person, or by attorney, to issue a warrant on the treasurer for the sum of three hundred dollars, for the present relief of the said Edward Houchins, payable out of any monies therein.

Sec. 2. *And be it further enacted,* That the said Edward Houchins shall be placed on the list of pensioners by the auditor of public accounts, with an allowance of forty dollars per annum, during his life, to be paid in the same manner that other pensioners are now paid.

Placed on pension list at 40 dollars per annum. Commerce. ment.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

CHAPTER LI.

An ACT allowing a Claim to Jesse Merryman, administrator of Thomas Merryman, deceased.

[Passed January 16th, 1803.]

WHEREAS, Thomas Merryman, deceased, late a convict in the penitentiary, created a debit against the commonwealth, during his confinement, to the amount of two hundred and twenty-five dollars and ninety three cents, which sum remained due to him at the time of his death, and has never been paid to his representatives since :

Preamble.

Section 1. *Be it therefore enacted by the General Assembly,* That the inspectors of the penitentiary are hereby authorized and required to draw an order on the keeper thereof, for two hundred and twenty-five dollars and ninety three cents, in favour of Jesse Merryman, father and administrator of the said Thomas; and the said keeper shall discharge the same out of any money in his hands belonging to the institution.

Sec. 2. This act shall commence and be in force from and after the passage thereof.

Money to be paid by keeper of penitentiary to Jesse Merryman.

Commencement.

CHAPTER LII.

An ACT Incorporating the Town of Wheeling in the County of Ohio.

[Passed January 16th, 1806.]

Section 1. *BE it enacted by the General Assembly,* That it shall be lawful for the free-holders and house-keepers who shall have been resident in the town of Wheeling in the county of Ohio, three months next preceding an election, to meet at some convenient place in the said town annually, on the third Monday in March, and then and there nominate and elect by ballot twelve fit and able men, being free-holders and inhabitants of the town, to serve as mayor, recorder, aldermen and common council-men for the same; and the persons so elected, shall within one week after their election, proceed to choose by ballot out of their own body, one mayor, one recorder and four aldermen, and the remaining six shall be common council-men, whose several authorities as mayor, recorder, aldermen and common council-men, shall continue until the third Monday in March in the year succeeding, and until others shall be qualified in their stead, and no longer, unless re-elected.

Persons entitled to vote for aldermen and common council-men.

Sec. 2. That the mayor, recorder, aldermen and common council-men so elected, and their successors, shall be, and are hereby made a body corporate and politic, by the name of the mayor and commonality of the town of Wheeling, with capacity to purchase, receive and possess lands and tenements, goods and chattels, either in fee, or any lesser estate therein, and the same to give, grant, let, sell, or assign again; and to plead and be impleaded, prosecute and defend all-causes, complaints, actions, real, personal or mixed, and to have one common seal and perpetual succession.

Mayor, recorder, &c. incorporated.

Sec. 3. That the person who shall first be elected mayor of the said town, shall, within one week after his election, take an oath, or solemn affirmation before a justice of the peace for the said county of Ohio, for the due and faithful execution of his office; and every succeeding mayor shall be qualified to his office before the mayor for the time being; and every recorder, alderman and common council-man, shall take the like oath, or make the like affirmation with respect to his office, before the mayor for the time being.

Mayor to take oath &c.

Sec. 4. *And be it enacted,* That the mayor, recorder and aldermen, for the time being, are hereby declared and constituted justices of the peace within the limits of the said town, which limits shall be so extended, as to include all the lots, streets, alleys and public squares at any time heretofore laid out by Ebenezer or Jonathan Zane, within and adjoining the boundaries of the said town as formerly established, and to the bank and whole surface of the Ohio river adjacent thereto: *Provided nevertheless,* That neither the mayor, recorder nor aldermen shall sit as justices of the county of Ohio in the court thereof, or execute any of the powers belonging to justices of the peace, except such as may be lawfully exercised by one justice alone.

Mayor, recorder and aldermen justices of peace within limits of said town.

Sec. 5. *And be it further enacted,* That the mayor and commonality shall have power and authority to pass bye-laws, for establishing markets and for regulating the same; for establishing an assize of bread and other things, and for enforcing the same; for laying out the streets, walks and alleys of the said town, and for improving the same; for preventing accidents by fire; for licensing ordinaries and fixing their rates; for erecting school-houses and other public buildings necessary for the said town; for preventing and punishing the practices of firing guns and running horses, mares, mules and geldings therein; and such other bye-laws, rules and regulations not inconsistent with the constitution and laws of this commonwealth, or of the United States, as they shall deem necessary for the order and good government of the said town; and to enforce the execution of all such bye-laws, rules and regulations by reasonable penalties, not exceeding, for one offence, the sum of ten dollars, to be re-

Their powers and duties.

covered with costs, before any justice of the peace of the said county, at the suit of the mayor and commonalty of the town aforesaid, and by them to be applied in aid of the taxes by the said mayor and commonalty to be imposed upon said town.

May assess taxes

and appoint a collector.

May appoint town serjeant.

Town serjeant when to act as sheriff.

Proviso.

Mayor, &c. misbehaving. how remov'd.

Vacancies among, how filled.

When they may summon common council.

Commencement.

Sec. 6. *And be it further enacted*, That the said mayor and commonalty shall have power to assess an annual tax within the said town for the purposes before mentioned, not exceeding in any year, the sum of fifty cents on every titheable, and fifty cents on every hundred dollars value of taxable property therein. And the said mayor, recorder and aldermen, or any four or more of them, shall have power to appoint a collector of such taxes, who shall give to the said mayor and commonalty for the time being and their successors, such bond and security for the collection and payment thereof, as are by law required of collectors of the county levies, and shall have like authority in making his collections, and the like compensation for his services therein, as collectors of the county levies by law have and are entitled to; and he and his securities, his and their executors and administrators, shall be subject to such proceedings, by motion or otherwise, before the court of the said county for enforcing payment of such taxes at the suit of the said mayor and commonalty, or other person entitled, as collectors of county levies are by law subject to for enforcing payment of the levies collected.

Sec. 7. *And be it further enacted*, That the said mayor, recorder and aldermen, or any four or more of them, shall have power to appoint a serjeant of the said town yearly, who shall have the powers of a constable as to the service and return of all process to be issued by either the mayor, recorder or aldermen when acting as justices of the peace within the limits aforesaid, and be entitled to the same fees as are, or shall be allowed by law to constables for similar services, and shall give the like bond and security as constables are by law required to give; and for any neglect or misbehaviour in his office, he and his securities shall be subject to such proceedings as constables are by law subject to.

Sec. 8. *And be it further enacted*, That, whenever, after the expiration of the present sheriffalty of the said county, there shall not be residing within the said town a sheriff, or his deputy duly qualified, then, and in such case, upon giving, before the court of the said county, such bond and security as is by law required of a sheriff for the execution of his office, such town serjeant shall have, within the limits of the said town, and every where upon the Ohio river within the said county, concurrent authority with the sheriff of the said county in the service and return of all attachments, writs original and judicial, to the said sheriff directed, and shall be entitled to the same fees as are, or shall by law be allowed to sheriffs for similar services; and, for every neglect or misbehaviour therein, he and his securities, his and their executors and administrators, shall be subject to such proceedings, by motion or otherwise, as sheriffs by law are, or shall be subject to: *Provided nevertheless*, That such power shall only be exercised by the said town serjeant, until there shall be residing within the said town, a sheriff or his deputy duly qualified: *And provided also*, That all process against persons inhabiting within the said town shall be executed by the sheriff or his deputy.

Sec. 9. And in case of misconduct in the office of mayor, recorder, aldermen, common council-men, or either of them, the others, being seven at least, shall have power to remove the offender; and as to all other officers, the power first appointing shall or may at pleasure revoke.

Sec. 10. And in case of vacancy in the office of mayor, recorder, aldermen, or common council-men, the vacancy shall be filled up in the following manner: The recorder shall succeed the mayor, the eldest alderman succeed the recorder, and so on according to priority, to be reckoned by the number of votes at the last election; and if a vacancy shall happen among the common council-men, his place shall be filled from the body of the free-holders within the town, by ballot of the mayor, recorder, aldermen and common council-men.

Sec. 11. *And be it further enacted*, That the mayor, recorder and two of the aldermen, shall have power, so often as they find occasion, to summon a common council of the said town, which shall consist of the mayor, recorder, two aldermen and four common council-men at least; that no law, order or regulation, shall be binding and valid, nor shall the same be revoked or altered, unless seven members concur therin.

Sec. 12. This act shall commence and be in force from and after the passing thereof.

CHAPTER LIII.

An ACT forming a New County out of certain parts of Montgomery, Monroe and Tazewell Counties.

[Passed January 16th, 1806.]

Section 1. *BE it enacted by the General Assembly*, That all that part of the counties of Montgomery, Monroe and Tazewell, contained within the following bounda-

County of Giles established.

ries, to wit: Beginning at the end of Gauly mountain on New river, where the counties of Greenbrier and Kanawha intersect; thence up the river with the Greenbrier and Montgomery line, to the intersection of Monroe line; thence with the Monroe and Montgomery line, to the upper end of Pines' plantation; thence a straight line to the mouth of Rich creek, leaving the plantation of Hugh Caperton on the right; thence with the Montgomery and Monroe line, to the intersection of Botetourt county line, and with the Botetourt and Montgomery line, to the top of Gap mountain; thence along the top of said mountain to New river, crossing the same, to the end of Walker's creek mountain; thence along the top of said mountain, to the intersection of Wythe county line; thence north-westwardly with said line, to the intersection of Tazewell line, and with the Tazewell and Montgomery line, to the top of Wolf creek mountain; thence along Wolf creek mountain to a path leading from the Round Bottom to Harman's mill, about three miles below the mouth of the Clear Fork of Wolf creek; thence a straight line to the Big Spring on East river; thence a straight line to the mouth of Militin's Fork; thence a direct line to the head of Crane creek on the top of the Flat-top mountain; thence a direct line to the Three Forks of Guyandotte river; thence down said river until it intersects Kanawha county line; thence with the said line to the beginning; shall, from and after the first day of May next, form one distinct county, and be called and known by the name of Giles County.

Sec. 2. A court for the said county of Giles, shall be held by the justices thereof, on the second Tuesday in every month, after the same shall take place, in like manner as is provided by law for other counties, and shall be by their commissions directed; and a quarterly session of the said court shall be held in each of the months of April, June, September and November in every year.

Sec. 3. The justices to be named in the commission of the peace for the said county of Giles, shall meet at the house of George Paris in the said county, upon the first court day after the said county shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff, according to law, proceed to appoint and qualify a clerk, and thenceforth the said court shall proceed to erect the necessary public buildings at a convenient place near the center, which shall thereafter become the seat of justice for the said county of Giles: *Provided always*, That the appointment of a clerk shall not be made, unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case, the appointment shall be postponed until some court day when a majority shall be present.

Sec. 4. It shall and may be lawful for the sheriffs of the counties of Montgomery, Monroe and Tazewell, to collect and make distress for any public dues and officers' fees which shall remain unpaid by the inhabitants of the said county of Giles, at the time the said county takes place, and shall be accountable for the same in like manner as if this act had never been made.

Sec. 5. The governor, with the advice of council, shall appoint a person to be first sheriff of the said county of Giles, who shall continue in office during the term, and upon the same conditions as are by law appointed for other sheriffs.

Sec. 6. The courts of the said counties of Montgomery, Monroe and Tazewell, shall have jurisdiction of all actions and suits depending before them at the time the said county of Giles takes place, and shall try and determine the same, and award execution thereon.

Sec. 7. The said county of Giles shall remain in the same district with the county of Monroe, for which district courts are held at the Sweet Springs, and be of the same brigade district, in like manner as if this act had not been made. In future elections of a senator, of a representative in Congress, and of an elector, the said county of Giles shall be of the same district as the county of Monroe.

Sec. 8. This act shall commence and be in force from and after the first day of May next.

Boundaries.

Court to be held on 2d Tuesday in every month.

Justices to meet at house of G. Paris.

To qualify sheriff, appoint clerk, & erect public buildings.

Proviso.

Sheriffs of Montgomery, &c. to collect former dues, &c.

Governor to appoint first sheriff.

All causes depending in Montgomery &c. to be determined there.

To what districts county Giles shall be attached.

Commencement.

CHAPTER LIV.

An ACT establishing several New Ferries and Increasing the Rates of others heretofore established.

[Passed January 18th, 1806.]

Section 1. *BE it enacted by the General Assembly*, That ferries be constantly kept at the places hereafter mentioned, and the rates for passing the same as followeth; that is to say: From the land of Adam Deem opposite the mouth of Goose creek in the county of Wood, across Hughes river to his land on the opposite shore; the price for a man, four cents, and for an horse the same: From the land of Charles Magill in the county of Monongalia, across Cheat river to the forge of Samuel Jackson; the price for a man, four cents, and for an horse the same: From the land of George

Several new ferries established.

Creel, junior, in the county of Wood, across Little Kanawha river to lands claimed by the heirs of Isaac Larie on the opposite shore; the price for a man, four cents, a dollar for an horse the same: From the land of Hampton Wade in the county of Halifax, across Dan river to the land of Charles Scott on the opposite shore; the price for a man, four cents, and for an horse the same: From the land of Peter Boyer on the north east side of the Great Kanawha, or New river, in the county of Greenbrier, across the said river to the opposite shore; the price for a man, six and one fourth cents, and for an horse the same: From the land of James Jordan in the county of Kanawha, across the Mud river to his land on the opposite shore; the price for a man, four cents, and for an horse the same: From the land of Joseph Haigh at the mouth of Fall creek, in the county of Kanawha, across Kanawha river to his land on the opposite shore; the price for a man, six and one fourth cents, and for an horse the same: From the land of William Ciendinen, about four miles from the mouth of Great Kanawha river, in the county of Mason, across the Ohio river to the opposite shore; the price for a man, twelve and one half cents, and for an horse the same: From the land of John Connell in the county of Brooke, across the Ohio river to the land of Bazaleel Wells and Hezekiah Griffith on the opposite shore; the price for a man, eight cents, and for an horse the same.

Rates of several former ferries increased.

Sec. 2. *And be it further enacted*, That the keepers of the following ferries, shall be allowed the rates hereafter mentioned; that is to say: From the land of William Lightfoot in the county of Charles city, to the lands of William E. Barrett in James city, and from the lands of the said Barrett to the lands of said Lightfoot, across Chickahominy river; the price for a man, twelve and one half cents, and for an horse the same: From the land of Jacob Michaux in the county of Powhatan, across James river; the price for a man, six and one fourth cents, and for an horse the same: From the land of John Woodson, in the county of Goochland, to the town of Cartersville, across James river; the price for a man, six and one fourth cents, and for an horse the same; and from the land of John Graham in the county of Goochland, across James river to the Manakintown on the opposite shore, in the county of Powhatan; the price for a man, six and one fourth cents, and for an horse the same; instead of the rates heretofore allowed at the said ferries.

Sec. 3. The transportation of the following things, at each of the aforesaid ferries, shall be at the rates following; that is to say: For every coach, chariot, or wagon, and the driver thereto, the same as for six horses; for every four wheeled chaise, phaeton and driver, the same as for four horses; for every two wheeled riding carriage, or cart, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of black cattle, the same as for one horse; for every sheep, hog, goat, or lamb, one fifth part of the ferriage for one horse, and no more.

Sec. 4. If the ferry keeper at either of the said places, shall demand and receive from any person, greater rates for the ferriage of any thing, than is hereby allowed, such offender shall forfeit and pay to the party grieved, the ferringe demanded and received, and five dollars for every such offence, recoverable before any justice of the peace of the county wherein the said ferry may lie.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER LV.

An ACT amending the Act, entitled, "An Act authorising the Erection of Mills on Little Kanawha River."

[Passed January 18th, 1806.]

Proceedings to be had to obtain authority to erect mills or other water works on Little Kanawha.

Section 1. *BE it enacted*, That when any person owning lands on one side of the Little Kanawha river, or of any of its branches, the bed whereof belongeth to himself, or to the commonwealth, and desiring to build a water grist-mill on such lands, and to erect across the said stream or its branches, a dam for working the said mill, shall not himself have the fee simple property in the lands on the opposite side thereof against which he would abut his dam, he shall make application to the court of that county in which the lands proposed for the abutment are, to appoint five free-holders of the said county as commissioners, whose duty it shall be, after taking such oath or affirmation, before some justice of the peace, as is directed to be administered to jurors in the like cases, under the act passed the twenty first day of December, one thousand seven hundred and ninety two, entitled, "An act to reduce into one the several acts concerning mills, mill-dams and other obstructions of water courses," to meet on the lands proposed as an abutment, on some day to be named by such court and inserted in their order, of which notice shall be given by such commissioners to the proprietor or his agent, if neither of them were present in court at the time such order was made, and such commissioners shall then and there proceed to enquire into all such matters, and make all such valuations and assessments as jurors under the act aforesaid are required to make, and to report the

same to such court under their hands and seals, and on such report such court shall proceed in such manner to make such order as the said court would have made, if the enquiries, assessments and valuations aforesaid had been made by a jury under the before recited act of Assembly: *Provided*, That before an order appointing such commissioners shall be made, notice thereof shall have been given by the party applying for the same to the proprietor of the lands proposed as an abutment, if he be to be found in the county, and if not, then to his agent therein, if any he hath.

Proviso.

Sec. 2. And in like manner, if the person proposing to build such mill and dam, shall have the fee simple on both sides of the said stream, or its branches, yet application shall be made to the court of that county in which the mill will stand, for a like order to appoint commissioners, to be executed and returned as in the former case, and thereupon the like proceedings shall be had as before directed.

Sec. 3. *And be it further enacted*, That the same proceedings shall be had as before directed, for erecting any dam or other obstructions for the purpose of working any machine or engine useful to the public upon the said stream, or its branches, any thing in the before recited act, or the act to which this is an amendment, to the contrary notwithstanding.

Sec. 4. This act shall be in force from the passing thereof.

Commerce-
ment.

CHAPTER LVI.

An ACT to Incorporate a Library Company in the County of Rockingham.

[Passed January 20th, 1806.]

WHEREAS, it is represented to the General Assembly, that sundry inhabitants of the county of Rockingham, have associated for the purpose of procuring a library for their improvement; and that it would tend greatly to promote the good purposes of the institution, to make them a body corporate: and the General Assembly being desirous of promoting so laudable an institution:

Preamble.

Section 1. *Be it therefore enacted*, That the said library company be, and they are hereby made a body politic and corporate, by the name of the Rockingham Library Company, and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded.

Library com-
pany in Rock-
ingham in-
corporated.

Sec. 2. The said company, or a majority of them, shall meet annually on the second Monday in February, and elect by ballot out of the members of the company, a president and six directors, whose authority shall continue for one year, and until another president and other directors are chosen in their stead.

Time of
meeting.

Sec. 3. The said president and directors, or a majority of them, shall have power to fill vacancies which may occur in their own body; to appoint a librarian, treasurer, and other necessary officers.

Vacancies a-
mong direc-
tors, how
filled.

Sec. 4. *And be it further enacted*, That the said president and directors, or a majority of them, shall have power to make such bye-laws, rules and regulations (not contrary to the constitution and laws of this state, or of the United States) as they may think necessary and proper for the conduct and government of said company, subject however, to the revision and amendment of a majority of said company at any annual meeting, or when they shall be convened by the president for that purpose, which shall at all times be done at the request of any five members of the company.

Powers of
president and
directors.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

Commerce-
ment.

CHAPTER LVII.

An ACT regulating the Manner in which certain Duties shall be Performed by the County and Corporation Courts.

[Passed January 21st, 1806.]

Section 1. *BE it enacted by the General Assembly*, That in future it shall not be lawful for the justices of any court in this commonwealth, to make any order for the erection of any public building or buildings, bridge or bridges in such county, nor to recommend any person or persons to be by the executive appointed and commissioned justices of such county, unless a majority of the acting justices of the said county shall be present at the time of making such order or recommendation; or unless the court of such county shall have signified their intention of making such order or recommendation, at least one month previous thereto, and shall have caused the same to be entered of record, with directions to the sheriff of such county to summon the justices thereof to attend at the next term for the purposes aforesaid. And it shall be the duty of the clerk of such county certifying such recommendation or recommendations, to certify therewith a copy of the previous order of such court, if any shall have been made, and if no such order shall have been made, he shall certify the names of the justices present where such recommendation shall have been made, as also of all the justices of such county.

Certain du-
ties of the
magistrates
to be per-
formed by a
majority of
them.Duties of
the clerk.

Majority re-
quired when
clerk to be
appointed.

Commence-
ment.

Trustees of
the estate of
the orphans
of J. Rind

Their pow-
ers.

Trustees to
render ac-
count of pro-
ceedings to
court of Hus-
tings of
Richmond.

Commence-
ment.

Certain fines
imposed on
John & Tho-
mas Warren,
remitted.

Proviso.

Commence-
ment.

Quarterly
Court for
Northampton
to be held in
September
instead of
August.

Money to be
paid to James
Terlington.

Sec. 2. *And be it further enacted*, That whenever a vacancy shall hereafter happen in the office of clerk of a county or corporation court, it shall not be lawful for the said court to supply such vacancy, unless a majority of the members of such court shall be present, or unless the members of such court shall have been summoned by order of the said court to attend at the next court for the purpose aforesaid. And such court is hereby authorised to appoint a clerk pro tempore, where it shall be necessary, for the special purpose of making such order and issuing such summons.

Sec. 3. This act shall be in force from the first day of June next.

CHAPTER LVIII.

An ACT appointing Trustees of the Estate belonging to the Orphans of James Rind, for the purposes therein mentioned.

[Passed January 22d, 1806.]

Section 1. *BE it enacted by the General Assembly*, That Edmund Randolph, William Marshall and John Seabrook, gentlemen, shall be and hereby are appointed trustees of the estate, real and personal, belonging to Nicholas Brown Seabrook Rind, and Mary Rind, infant children and orphans of James Rind, who died intestate. The said trustees, or any two of them, are hereby authorised and empowered to lease or rent out the houses lately erected under the direction of the said John Seabrook, on certain lots belonging to the said orphans, and situated near the market-house, in the city of Richmond, for such term of years as shall be necessary for the purpose of raising a sum of money sufficient to defray the expenses incurred in building the said houses; which money shall be applied by them to that purpose. And the said trustees, or any two of them, are also hereby empowered to erect or cause to be erected, on any lot or lots belonging to the said orphans, such house or houses as they shall think proper, and to lease or rent out the same for such term of years as shall be sufficient for raising an adequate sum for defraying the expenses of erecting such house or houses, which money shall accordingly be applied by them to that purpose. And the said trustees shall be authorised to receive any monies to which the said orphans may be entitled, and to expend and apply the same towards making the improvements aforesaid.

Sec. 2. So soon as the aforesaid Nicholas B. S. Rind, the eldest of the said orphans, shall arrive to the age of twenty-one years, or in case of his death before that period, then at such time as he would, if living, have attained that age, it shall be the duty of the said trustees, or such of them as may act under this law, to render to the Court of Hustings of the city of Richmond, to be there recorded, an account of their actings and proceedings by virtue of this act.

Sec. 3. This act shall be in force from the passing thereof.

CHAPTER LIX.

An ACT Remitting certain Fines to John and Thomas Warren.

[Passed January 23d, 1806.]

Section 1. *BE it enacted by the General Assembly*, That the fines imposed at the May term of the district court of Suffolk, in the year eighteen hundred and two, upon John and Thomas Warren; the one upon John Warren to the amount of three thousand and fifty eight dollars; the other upon Thomas Warren, to the amount of two thousand three hundred and sixteen dollars; shall be, and they are hereby, to all intents and purposes fully remitted: *Provided always*, That nothing in this act contained, nor any statute of limitation, nor any proceedings heretofore had against the said John and Thomas Warren, shall be so construed, as to bar another prosecution against the said John Warren and Thomas Warren, or either of them, for the same offence for which the indictment aforesaid was formerly exhibited against them, but that a new indictment may be found against them, or either of them, and the same proceedings thereupon had as though this act had never been passed.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

CHAPTER LX.

An ACT altering the time of holding a Quarterly Court for Northampton County.

[Passed January 24th, 1806.]

Section. 1. *BE it enacted by the General Assembly*, That in future a Quarterly Court for the county of Northampton, shall be held in the month of September, instead of the month of August, in every year.

CHAPTER LXI.

An ACT concerning James Terlington.

[Passed January 24th, 1806.]

Section 1. *BE it enacted by the General Assembly*, That James Terlington, jailor of the county of Nansemond, for the year one thousand eight hundred and three, shall

be entitled to receive out of any money in the treasury, the sum of seventy-seven dollars and twenty-six cents, for committing, keeping, and defraying the expenses of a lunatic, from the eighteenth day of May, until the twenty-ninth of December, in the year aforesaid; and the auditor of public accounts is hereby authorised and required to issue his warrant for the same to the said James Terlington, either in person or by attorney.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Commerce
ment.

CHAPTER LXII.

An ACT allowing a further time to the Potowmac Company for completing the Navigation of the Potowmac River, and for other purposes.

[Passed January 24th, 1806.]

Section 1. BE it enacted by the General Assembly, That the further time of five years, to be computed from the expiration of the term already granted, shall be and is hereby allowed the Potowmac Company to complete the navigation of the Potowmac river.

Further time
of five years
allowed Po-
towmac com-
pany to com-
plete naviga-
tion.

Sec. 2. And be it further enacted, That whosoever any person or persons shall seal and deliver a writing, purporting to be a conveyance of any share or shares in the said company, or of any interest in such share or shares, the said writing shall be sufficient for transferring such share or shares, or interest therein, if the same be acknowledged by the parties making such conveyance, or proved by three witnesses of the sealing and delivery of the writing, before any court of law, or two magistrates thereof, or the mayor or other chief magistrate of any city, town or corporation, certified by such court, magistrates, mayor, or chief magistrate, in the manner such acts are usually authenticated by them, and entered, registered, or recorded, in the books of the said company, within the time now allowed by law for making such entry, register, or record as aforesaid. And where a feme covert shall be a party making any conveyance as aforesaid, her acknowledgment thereof may be taken without the formality of a commission to be issued for that purpose; but shall be made by such feme covert privily and apart from her husband as hereofore, in presence of the court or persons herein authorized to certify the same, before the said writing shall be considered as effectual for conveying the right or interest of such feme covert.

Sec. 3. This act shall be in force from the passing thereof.

Commerce
ment.

CHAPTER LXIII.

An ACT to amend the Several Laws Concerning Slaves.

[Passed January 25th, 1806.]

Section 1. BE it enacted by the General Assembly, That if any slave or slaves shall hereafter be brought into this commonwealth, and shall either be kept therein one whole year, or so long at different times as shall amount to one year, or shall be sold or hired within this commonwealth, in every such case, the owner shall forfeit all right to such slave or slaves, which right shall absolutely vest in the overseers of the poor of any county or corporation, who shall apprehend, or shall attempt to apprehend such forfeited slave or slaves within their jurisdiction, in trust for the benefit of the poor of such county or corporation.

Slaves bro-
ught into this state
may be sold,
&c.

Sec. 2. Upon complaint made by the overseers of the poor or any one of them to a magistrate of the county or corporation where any such slave may be, he shall issue his warrant, directed to any officer of the county or corporation, commanding him to bring such slave before him or some other magistrate thereof, and moreover to summon the owner or holder, if he be found in the county or corporation, to appear in like manner and answer the same.

Duty of ma-
gistrate on
complaint
made.

Sec. 3. The magistrate before whom any such slave may be brought, shall, upon enquiry into the facts, either dismiss the prosecution, or require the owner or holder, if he shall appear, to enter into a recognizance with security, payable to the Governor of the commonwealth and his successors, in a penalty equal to double the value of each slave, with a condition to appear at the next court which may be held for the county or corporation, be the same monthly or quarterly, and abide by and perform the order of such court; which recognizance, together with the warrant, shall be forthwith returned by him to the clerk of the court.

Sec. 4. If the owner or holder shall not be in the county or corporation, shall fail to appear, having been summoned, or shall be unable, or refuse to give security as aforesaid, in either case, the magistrate before whom any such slave may be brought, shall cause the said slave to be delivered to the sheriff of the county, or serjeant of the corporation, to be by him safely kept, so that such slave be brought before the next court which may be held therein.

Sec. 5. Upon the appearance of the party in discharge of his recognizance, or if he shall fail to appear in discharge thereof, the court to which he was bound to appear, shall immediately cause a jury to be impanelled, to try the facts without the

Jury to be
impanelled.

Slave to be sold.

Proceedings where owner is not in the county.

Appropriation of proceeds of such sale.

Penalty on persons bringing slaves, &c.

Such slave not to be paid for if executed.

Emancipated slaves forfeit freedom by remaining 12 months.

Overseer of the poor to take an oath.

If cast in prosecution to pay costs out of levy.

Power of executive in certain cases remains.

Repealing clause

This act to be given in charge to grand juries. Commencement.

Creditor suspending his debtor about to remove may attach, &c.

formality of pleading, unless good cause be shewn for a continuance; and if the jury shall find that the said slave or slaves were brought into this commonwealth, and have remained therein, contrary to the provisions of this act, the court shall make an order, directing him, her, or them to be delivered to the overseers of the poor, to be by them sold for cash and applied as herein directed.

Sec. 6. If the owner or holder of such slave or slaves be not within the county or corporation, or shall not have been summoned as aforesaid, the court shall make an order, requiring the owner or holder to appear at some court day, to be specified in such order, to defend his right; which order shall be published at the front door of the courthouse of the county or corporation for two successive court-days, and inserted in some newspaper printed in this state, four times successively. The court to which the owner or holder is directed to appear as aforesaid, shall proceed to impanel a jury in like manner, and make a like order for a delivery to, and sale by the overseers of the poor, as if the owner or holder had regularly appeared.

Sec. 7. The nett proceeds of such sale, in either case, after deducting ten per centum as an allowance to such of the overseers of the poor as have commenced the prosecution, and the legal costs attending the same, shall go towards lessening the poor rates of such county or corporation.

Sec. 8. Every person hereafter bringing into this commonwealth, any slave or slaves, contrary to this act, shall forfeit and pay the sum of four hundred dollars for every slave so brought in; and every person selling, buying, or hiring any such slave or slaves, knowing the same to have been brought in contrary to the provisions of this act, shall forfeit and pay the sum of four hundred dollars, for every slave so bought, sold, or hired; which forfeitures shall accrue to the use of the commonwealth, to be recovered by action of debt or information, in which the defendant shall be held to special bail; judgment shall be rendered without regard to any exception for want of form, and an attorney's fee of twenty dollars shall be taxed in the bill of costs.

Sec. 9. Any slave who hath been, or hereafter shall be brought into this state contrary to law, or who shall be passing through the state by land or water, and shall commit a capital crime, and be tried and executed therefor, within this commonwealth, shall not be valued by the court condemning him or her, nor paid for out of the public treasury. Nor shall any slave be paid for who shall be convicted and executed for the commission of a crime, in the perpetration of which the owner shall be either a principal or accessory, and be thereof convicted.

Sec. 10. *And be it further enacted*, That if any slave hereafter emancipated, shall remain within this commonwealth more than twelve months after his or her right to freedom shall have accrued, he or she shall forfeit all such right, and may be apprehended and sold by the overseers of the poor of any county or corporation, in which he or she shall be found, for the benefit of the poor of such county or corporation.

Sec. 11. Every overseer of the poor within this commonwealth, shall, in addition to the oaths prescribed by law, take the following: "I, A. B. do swear, that I will faithfully enforce the laws to prevent the importation of slaves."

Sec. 12. If, in any action or prosecution by the overseers of the poor in virtue of this act, they shall be cast, they shall not be liable for costs; but the same shall be defrayed out of the levy laid by them.

Sec. 13. Nothing in this act shall be construed, so as to abridge the power of the executive, to remove slaves brought into this state, conferred by the fourth section of an act passed on the twenty-first day of January, one thousand eight hundred and one, entitled; "An act to amend the act, entitled an act, to reduce into one the several acts concerning slaves, free negroes and mulattoes;" or so as to repeal an act, entitled, "An act, authorising the removal of slaves from the county of Alexandria, in the District of Columbia."

Sec. 14. All acts and parts of acts, contrary to the meaning and intent of this act, shall be and the same hereby are repealed.

Sec. 15. This act shall be given in charge to every grand jury within this commonwealth.

Sec. 16. This act shall commence and be in force from and after the first day of May next.

CHAPTER LXIV.

An ACT to amend the Act, entitled, an Act, "Directing the Method of Proceeding in Courts of Equity against absent Debtors, and other absent Defendants; and for Setting the Proceedings on Attachments against absconding Debtors."

[Passed January 25th, 1806.]

Section 1. *BE it enacted by the General Assembly*, That whenever any creditor whose claim amounts to ten dollars, or four hundred pounds of tobacco, shall have sufficient grounds to suspect that his debtor will remove with his effects out of this commonwealth, before his debt will be payable, or whenever such debtor shall have

so removed, leaving effects, it shall be lawful for such creditor to go before any magistrate of the county or corporation where his debtor resides, or, in case such debtor has so removed, where he last resided, or where his effects may be found, and make oath to the true amount of his debt, and the time when it will be payable, and that he has just cause to suspect and verily believes that such debtor will remove himself, with his effects, out of the commonwealth, before the said debt will become payable, or hath actually so removed; and also that he had no knowledge, when the said debt was contracted, of the intention of such debtor so to remove; and thereupon, such magistrate, taking bond and security from the creditor, as in other cases of attachments, shall issue an attachment against the goods and chattels of the debtor, returnable to the next court to be holden for such county or corporation; which attachment may be served on any goods and chattels of such debtor, or on any garnishee or garnishees. If such debtor shall not, on or before the return of such attachment, enter into bond with sufficient security for the payment of the said debt, when it will become due, the court, on due proof of the justice thereof, and of the intention of the debtor to remove, or of his having actually removed out of this commonwealth, shall grant judgment as in other cases of attachments: but execution shall be stayed against any garnishee, who shall state that he is indebted, or will, at a future day be indebted to the defendant, until the claim of the plaintiff or such garnishee's debt to the defendant shall become due; and the goods condemned shall be sold on a credit until the time when the plaintiff's claim shall be payable. The sheriff or other officer selling such goods, shall take a bond or bonds, with good security, from the purchaser or purchasers, and assign the same to the plaintiff to the amount of his debt, interest and costs; and where the property sold shall amount to more than the debt, interest and costs, shall take a bond with good security for the surplus, and assign the same to the defendant: *Provided always*, That not more of the goods attached shall be sold than shall be necessary to satisfy the debt, interest and costs, except in cases where the property sold cannot be divided. In such cases, the sheriff or other officer shall be entitled to commissions only on the amount of the plaintiff's demand; which commissions shall be included in the bond or bonds assigned to such plaintiff, who shall be liable therefor as for commissions included in a forthcoming bond taken by virtue of an execution: *Provided also*, That all such attachments shall be repleviable in the same manner as other attachments are by law repleviable. Where any such debt shall be less than ten dollars, or four hundred pounds of tobacco, an attachment may be obtained as aforesaid, returnable before any magistrate of the county or corporation, who shall and may grant judgment thereupon, and direct the goods condemned by him to be sold in manner aforesaid, or execution to be stayed as aforesaid against any garnishee or garnishees.

Sec. 2. *And be it further enacted*, That whenever the plaintiff in any attachment shall alledge that any garnishee summoned in such attachment, hath not discovered the true amount of debts due from him to the defendant, or what goods and chattels belonging to the defendant are in his possession, the court shall direct, without the formality of pleading, a jury to be impannelled immediately (unless good cause be shewn by either party for a continuance) to enquire what is the true amount due from such garnishee to the defendant, and what goods and chattels are in his possession belonging to the defendant. If the finding of the jury shall be against such garnishee, the court shall grant judgment in the same manner as if the facts found by the jury had been confessed by him on his examination; and if the jury find in his favour, he shall recover his costs against the plaintiff.

Jury to try
fact of gar-
nishee's hav-
ing property,
&c of debt-
or, when de-
nied, if
doubted.

Sec. 3. *And be it further enacted*, That whenever the goods and chattels taken by virtue of any attachment, shall be claimed by any person other than such debtor, the court shall immediately (unless good cause be shewn by either party for a continuance) direct a jury to be impannelled to enquire into the right of property; and in all cases where the jury find for the claimant, such claimant shall be entitled to his costs; and where the jury finds for the plaintiff in the attachment, such plaintiff shall recover his costs against the claimant.

Jury to be
impannelled
to try right,
&c.

Sec. 4. *And be it further enacted*, That in all cases of attachments, the defendant shall be admitted to make defence; and any other person claiming the property attached, may interplead, without giving bail: *Provided*, That the property attached shall not thereby be replevied.

Third person
may inter-
plead, &c.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER LXV.

An ACT to amend the act, entitled, "An Act concerning the Town of Charlottesville."

[Passed January 25th 1806.]

Section 1. *BE it enacted by the General Assembly*, That at all future elections of trustees for the town of Charlottesville, in the county of Albemarle, the persons vo-

Manner of
electing trus-
tees.

Act for town
of Charlottesville.

ting shall deliver to the sheriff or other officer taking the polls, a ticket containing a list of the persons voted for as trustees, with the name of the voter written on the back thereof; and it shall be the duty of such sheriff or other officer to keep a poll book, wherein he shall insert the names of the voters as they deliver their tickets; and at the close of the election, he shall count the tickets in the presence of the clerk of the polls, and if it shall appear that more than five persons are voted for as trustees, and several have an equal number of votes, so as to make it uncertain who should be elected, the said sheriff or other officer, shall give his vote, and make return as is now directed by law.

Additional
powers grant-
ed trustees.

Sec. 2. In addition to the powers heretofore granted to the trustees of the said town, they, or a majority of them, are hereby authorised to impose fines, not exceeding ten dollars, on persons who may occasion misances within the limits of the said town; and shall have power to pass bye-laws to restrain negroes from wandering about the streets after night, or on Sundays or other holidays; and generally to pass such bye-laws, rules and regulations, not contrary to the laws of this state, or of the United States, as they shall deem necessary for the good order and government of the said town, and to enforce the execution thereof under penalties not exceeding ten dollars, to be recovered with costs, by warrant, before any justice of the peace for the aforesaid county of Albemarle.

May appoint
constables or
town ser-
jeants.

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the said trustees, or a majority of them, to appoint annually, one or more constables or town serjeants, who, previous to the execution of any of the duties that may be required of them by virtue of this or any other act concerning the said town, or any bye-law or regulation of the trustees thereof, shall take an oath of office, and moreover give bond with such security, and with such a penalty, as a board of the trustees shall direct: It shall especially be the duty of the said constables or serjeants, to execute all orders, summonses and precepts to them directed, on behalf of the said trustees; to collect and account for such taxes as shall be levied in the said town, by the said trustees, or a majority thereof, in the same manner as county levies are collected and accounted for. And the said trustees shall have the like remedy against such collector and his securities, for the recovery of such fines and taxes, as the county courts are entitled to for the recovery of county levies.

Trustees may
assess certain
sums for rent
of school
in said town.

Sec. 4. *And be it further enacted*, That the trustees of the said town, or a majority of them, shall moreover have power to lay and assess on the tithables and property, real and personal, within the said town, a tax not exceeding two hundred dollars, to be applied under the direction of the said trustees, towards the establishment of a public school or seminary of learning in the said town, and in aid of such funds as may be raised for the same purpose, by voluntary subscriptions or otherwise, by the inhabitants of the said town, or other persons. The school or seminary so to be established, shall at all times be under the regulation and controul of the trustees of the said town, or a majority of them.

Commerce-
ment.

Sec. 5. This act shall be in force from the passing thereof.

CHAPTER LXVI.

An ACT altering the Court Day of Spotsylvania and Rockbridge Counties.

[Passed January 25th, 1806.]

Court day of
Spotsylvania
changed.

Section 1. *BE it enacted by the General Assembly*, That henceforward the court of Spotsylvania shall be holden on the first Monday in every month, instead of the times at which it has heretofore been holden, and that that shall be the return day of all process which shall be issued from the said court.

Court day of
Rockbridge
changed.

Sec. 2. *And be it further enacted*, That after the first day of May next, the county court of Rockbridge shall be holden on the first Monday in every month, instead of the first Tuesday.

Commerce-
ment.

Sec. 3. This act shall be in force from and after the passing thereof.

CHAPTER LXVII.

An ACT concerning Jurors in certain Cases.

[Passed January 25th, 1806.]

Jurors sum-
moned on in-
quests, sub-
jects to fine
for non-at-
tendance.

Section 1. *BE it enacted by the General Assembly*, That where by law the sheriff or other officer is directed to summon a jury to take any inquest, if the person or persons so summoned, shall fail to attend, it shall be the duty of the sheriff or other officer to return to the next court of his county, corporation, or to the next district court of his district, if the process under which such jury was summoned issued from the district court, the name or names of the person or persons so failing to attend; whereupon it shall be lawful for the said county, corporation, or district court, to which such return may be made, to fine such person or persons in a sum not exceeding eight dollars, unless at or before the next county, corporation, or district court after such return made, such person or persons shall appear and shew good cause to the contrary.

Commerce-
ment.

Sec. 2. This act shall commence and be in force from the first day of June next.

CHAPTER LXVII.

An ACT to amend the Act, entitled, "An Act, reducing into one all Acts and parts of Acts concerning Suits brought for Sterling Money, and for ascertaining the Rate of Exchange and Damages on Protested Bills of Exchange."

[Passed January 25th, 1805.]

Section 1. BE it enacted by the General Assembly, That it shall be lawful for any person or persons having a right to demand any sum of money upon a protested bill of exchange, to commence and prosecute an action of debt for principal, damages, interest and charges of protest, against the drawers and indorsers jointly, or against either of them separately, and judgment shall or may be given for such principal, damages and charges, and interest on such principal, after the rate of six per centum per annum from the date of the protest, until such judgment shall be fully satisfied.

Proceeding on protest bills of exchange.

Sec. 2. All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Repealing clause.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Commerce.

CHAPTER LXIX.

An ACT concerning the Navigation of James River.

[Passed January 27th, 1806.]

Section 1. Be it enacted by the General Assembly, That "An act to amend and explain the act, entitled, an act for improving the navigation of James river," is hereby repealed.

Repealing clause.

Sec. 2. And be it further enacted, That the Richmond James River Company shall be compelled to deepen the channel of the river from Warwick to the upper part of the wharf built by the late George Nicolson, at Rocketts landing, to the depth of fourteen feet; the said depth to be regulated by the common high tide, which shall not include the depth of water in either the spring or neap tides. The said company shall also be compelled to widen the channel, from the first to the last mentioned place, to the width of one hundred and twenty feet, except in that part of the river commonly called the Rocks, a little below Powhatan warehouse, and also at a place commonly called Granny Judy's Bar, where the channel shall be widened ninety feet.

Company to deepen river, &c.

Sec. 3. In consideration of the expenses necessary to be incurred in complying with the above recited provisions, it shall and may be lawful for the Richmond James River Company, to demand and receive at Warwick, or such other place as the president and directors shall appoint, tolls from all vessels coming to Rocketts, according to the following rates: All vessels navigating the river of the burthen of forty tons and upwards, pilot boats excepted, when they are not loaded with a cargo, to be ascertained according to the rules established in the Custom-House, by the act of Congress in such case made and provided, shall pay toll at the rate of four and a half cents per ton, where the said vessels do not draw more than eight feet water; of five cents, where they do not draw more than eight and a half feet water; five and a half cents, on vessels drawing more than eight and a half and not more than twelve feet water; of six cents per ton, on all vessels drawing twelve feet water; and of seven cents, on all vessels drawing more than twelve feet water. Tolls shall be paid by all vessels subject to toll, as well in passing down as passing up the said river. But no vessel drawing less than seven feet water, shall be subject to the payment of any tolls whatever, for navigating James river up to, or from Nicolson's wharf.

Toll allowed to company.

Sec. 4. And be it further enacted, That if the Richmond James River Company, should find it necessary for them to own any ground or rocks, belonging to individuals, in order to comply with the provisions of this law, the president and directors of the company shall apply to the court of the county in which such ground or rocks may be situated, for a writ, in the nature of a writ of ad quod damnum; which writ shall be obtained, issued and executed, in the same manner as other writs of ad quod damnum, and the jury impaneled in pursuance thereof, shall upon their oaths, decide what quantity of ground or rocks, as the case may be, will be necessarily used by the company to perfect the navigation of the river, and assess the sum to be paid for the same; upon payment whereof, the right to the said ground or rocks, shall vest in the company.

Ground or rocks necessary for use of company, may be condemned under writ of ad quod damnum.

Sec. 5. And be it further enacted, That after the first five years in which the company shall begin to collect toll, no half-yearly dividend of the profits of the said company arising from the toll on all vessels navigating from Warwick to Nicolson's wharf, shall exceed seven and a half per centum on the sum actually paid in by the stock-holders thereof; but whensover the nett profit made by the company shall permit a dividend of more than fifteen per centum per annum on the sum actually paid in by the stock-holders, the excess of the said profit beyond fifteen per centum per annum, shall be paid by the president of the company into the public treasury, within thirty days of the time of declaring such dividend, for the sole use of the commonwealth. And in order to ascertain the rate of profit made by the said company, the president

Dividend of profit on equal expended.

thereof is hereby required to make a report to the Executive of this commonwealth; at least ten days previous to any dividend being paid, wherein he shall state the total amount of the several payments made by the stock-holders respectively, on their several shares, the total amount of gross profits which have been made by the company, and the amount of all the charges and expenses which they have incurred. And to prevent improper advances of money on the shares of the said company, the consent of the Executive shall be necessary to authorise any requisition of money on the shares of the said company, beyond the original subscription; with which consent, such requisitions shall be, and are hereby declared lawful.

Company
may improve
navigation
from Nicol-
son's wharf
to Rock
landing.
Tolls in that
part of river.

Proviso.

Time allow-
ed company
to comply
with this act.

Mode of pro-
ceeding
when river is
out of order.

Clause of for-
mer act ex-
empting
shares from
taxation, re-
pealed.

Sec. 6. The Richmond James River Company shall be, and are hereby authorised to improve the navigation from Nicolson's wharf to Rock Landing, or a point opposite thereto, immediately below the second division of Mayo's bridge; and upon deepening this part of the river to the depth of nine feet, shall be entitled to a toll of eight cents per ton on all vessels navigating the same of less than forty ton burthen, and of eleven cents per ton on all vessels of greater burthen; but boats navigating the James river canal shall not be subject to the payment of toll under this act: *Provided nevertheless*, That the Richmond James River Company shall not be considered to possess any exclusive right to improve the navigation of this part of the river, until they shall have actually and bona fide commenced the improvements described by this law. Nothing in this law shall be construed to limit the profits of the Richmond James River Company arising from the toll imposed on vessels navigating from Nicolson's wharf to Rock Landing, or the opposite point immediately below Mayo's bridge; but it is hereby expressly declared, that the profits arising from the said tolls shall not be reported to the Executive, nor constitute any part of the dividend of fifteen per cent. to which the said company are entitled.

Sec. 7. The Richmond James River Company shall be, and are hereby allowed seven years from the passage of this law, to comply with the provisions thereof, so as to entitle them to demand toll pursuant to this act. Whenever the company shall believe that they are entitled to demand and receive toll, they shall make a statement thereof to the Executive of this commonwealth, who thereupon shall appoint commissioners to examine the said river; and if they shall report that the navigation of the river has been improved, according to the provisions of this law, the Executive shall make public proclamation, that the Richmond James River Company are entitled to demand and receive the tolls fixed by law from all vessels (not specially exempted) navigating the said river. After which, if at any time complaint shall be made by any person to the court of Hustings of the city of Richmond, or to the mayor, or any two aldermen thereof, it shall and may be lawful for such court, mayor, or aldermen, to appoint three persons to examine such part of the said river so complained of; and if, in the opinion of the said commissioners, the same shall be in a state not conformable to this act, public notice thereof, at the expense of the said company, shall be given in some one of the newspapers published in the city of Richmond, and from the date of the said publication, the company shall not be entitled to demand any tolls until the said part or parts of the said river shall be improved according to the directions of this act: *Provided*, That so soon as the said company shall have completed the navigation to the upper part of the aforesaid wharf, they shall be entitled to tolls as far as that place, whether the navigation shall, or shall not have been completed above the said wharf.

Sec. 8. *And be it further enacted*, That the clause of the act incorporating the Richmond James River Company, exempting the shares of the said company from taxation, is hereby repealed.

Sec. 9. This law shall be in force from and after the passing thereof.

CHAPTER LXX.

An ACT to amend the several Acts concerning the Inspection of Tobacco.

[Passed January 28th, 1806.]

Preamble.

Duties of in-
spectors as to
transfer to
tobacco.

Inspectors,
pickers and
Coopers pro-
hibited from
transporting,
&c tobacco.

WHEREAS, the several acts of Assembly concerning the inspection of tobacco have been found to be defective, and it is necessary that the same should be amended:

Section 1. *Be it therefore enacted by the General Assembly*, That it shall be the duty of the inspectors of tobacco at the several warehouses within this commonwealth, to inspect and examine all the transfer tobacco at their several warehouses, after it shall be picked and before it shall be weighed and to make every hogshead thereof to weigh twelve hundred and fifty pounds nett, at the least.

Sec. 2. Inspectors, pickers and coopers of tobacco, shall not be concerned directly nor indirectly, in the transportation of tobacco by water, from their respective warehouses, under the penalty of one hundred dollars for every hogshead so transported; nor shall they, in any manner, for themselves or for any other person, purchase, sell, stem, manufacture, barter, lend, or exchange, any tobacco inspected at their said warehouses, under the penalty of ten dollars, for every hundred pounds of tobacco so purchased, sold, stemmed, manufactured, bartered, lent, or exchanged.

Sec. 3. Every inspector shall stow away and secure, at night, every hogshead of tobacco by him inspected during the day, under the penalty of ten dollars for every hogshead he shall fail or neglect to stow away and secure; and shall moreover be liable to the action of the proprietor of such tobacco, for all damages accruing thereto by his negligence.

Inspectors
stow away at
night tobacco
inspected
in the day.

Sec. 4. *And be it further enacted*, That it shall be the duty of the inspectors to prize and cooper up all refused tobacco which the owner shall not choose to have picked, to weigh the same, and mark the gross weight on each cask, and take care of and deliver the same to the owner, or to his order, for which the said inspectors may demand and receive fifty cents for every hogshead so delivered: And for the prevention of frauds, the inspectors shall grant a manifest for every hogshead of tobacco so delivered; and if any person shall sell refused tobacco, or manufacture the same without such manifest, he shall forfeit and pay the sum of one hundred dollars, for each hogshead so sold or manufactured: But it may be lawful for any person, having a hogshead of tobacco refused, to carry the same, with the manifest, to any other warehouse, and the inspectors on viewing the tobacco, if they esteem it of good quality, first destroying the manifest, may grant a receipt as is now directed by law for the same, or shall grant another manifest, for which fifty cents shall be paid, expressing the review, and that it was the second time refused; after which the person shall not be permitted to carry the tobacco to any other warehouse for re-inspection, but may either have the same picked, or sell it as by this law directed.

Additional
duties of in-
spectors.

Sec. 5. The duty of the commissioners appointed under the first section of the act, entitled, "An act concerning the inspection of tobacco," passed on the twenty-sixth day of December, one thousand seven hundred and ninety-six, shall not be construed to extend to any repairs or additions to be made to their several warehouses, but they shall, from time to time, report to their several county courts, the condition of the warehouses under their charge, and the quantity of tobacco they are capable of containing; and thereupon such court shall take such steps, and make such orders in relation thereto, as they might or could have taken or made previous to the passage of the said act: *Provided nevertheless*, That it shall still continue to be the duty of the said commissioners, to provide at the said warehouses such conveniences, as by the laws now in force are to be provided at the public expense, and to have the same repaired when it shall be necessary. And whereas, the appointment of commissioners is directed by the last mentioned act to be made by the several county courts, in the months of August or September only, in every year, which duty, it has been represented, the said courts have sometimes failed to perform in those months, and doubts have arisen whether they are authorised to make such appointments at any other court thereafter holden:

Duty of com-
missioners.

Provisos.

Sec. 6. *Be it enacted*, That in case any county court shall fail hereafter to make such appointment at the time directed by law, it shall be lawful for such court to proceed to make the same at any other court thereafter, between the month of September and the month of April next ensuing, any law to the contrary notwithstanding.

When com-
missioners
may be ap-
pointed.

Sec. 7. The penalties accruing under this act, shall be recoverable by an action of debt, or by petition or warrant, before any justice of the peace of the county or corporation where the offence shall have been committed, according to the amount thereof, the one half to the use of any person who will prosecute for the same, and the other to the use of the commonwealth. The public printer shall furnish, hereafter, one copy of all the acts, now in force, concerning the inspection of tobacco, to the inspectors at the several warehouses established by law, and shall in like manner, furnish the said inspectors with one copy of any law hereafter to be made, amending the laws concerning the inspection of tobacco; which copies shall be forwarded to the several counties in which such inspections shall be situated with the acts of the General Assembly.

Penalties un-
der this act,
how recover-
able.

Repealing
clause.

Proviso.

Sec. 8. So much of all acts or parts of acts, as contravenes the operation of this act, shall be, and the same are hereby repealed. *Provided always*, That nothing in this act shall be construed to affect any rights, remedies, fines, forfeitures, penalties, or amerements, which have accrued, been vested, or incurred, prior to the commencement of this act.

Sec. 9. This act shall commence and be in force from and after the first day of June next.

Commence-
ment.

CHAPTER LXXI.

An ACT to amend and explain the Act concerning certain Free School Lands in the County of Elizabeth City.

[Passed January 29th, 1806.]

Section 1. *BE it enacted by the General Assembly*, That the trustees of Simm's and Eaton's free schools, now elected, or who may hereafter be elected in conformity to "An act concerning certain free school lands in the county of Elizabeth ci-

Certain ad-
ditional pow-
ers granted
to trustees.

ty ;" in addition to the powers heretofore vested in them by that act, shall be, and they are hereby authorised to demand, sue for, and receive any sum or sums of money due, or which may hereafter become due from any person or persons by virtue of any contract or agreement made prior to the passage of the above recited act, with the former trustees of said schools ; and moreover, to demand, sue for and receive any property, real or personal, in the possession of any person or persons, which belonged to the said schools antecedent to the existence of the said act ; and finally, to institute such suit or suits as may be necessary for any trespass, or other injury committed on, or done to the said schools, or the property belonging, or in any manner appertaining thereto, or for the non-performance or violation of any contract or agreement made with the former trustees thereof, although such cause or causes of action might have originated prior to the passing of the aforesaid act.

Court of Elizabeth city to appoint some person to superintend election of trustees.

Commencement.

Sec. 2. *And be it further enacted*, That the court of the county of Elizabeth city shall appoint some fit and proper person to superintend all future elections of trustees, whose duty it shall be to call upon two or more persons to keep the polls in the manner prescribed by the first section of the aforesaid recited act, and to take care that a fair and impartial election shall be held. And whensoever, at any future election for trustees, more than eleven persons should be voted for, and any two or more have an equal, and at the same time the smallest number of votes, the person conducting the said election shall declare which of them shall be elected.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Preamble.

Masters of the militia of Norfolk borough.

Additional fines.

Collection of fines.

Commandant may appoint collector of fines;

His powers, duties and compensation.

Proviso.

Commencement.

CHAPTER LXXII.

An ACT concerning the Militia of the Borough of Norfolk.

[Passed January 29th, 1806.]

WHEREAS, it has been represented to this General Assembly, that the particular local situation of the borough of Norfolk, renders it much exposed to foreign attack ; to repel which, a well regulated and organized militia is essential : And whereas, the inhabitants of the said borough have petitioned that a more exact and severe rule of discipline may be imposed upon the militia of that particular place, than is, by the general law upon this subject, now established :

Section 1. *Be it enacted*, That in future there shall be a muster of each company of the militia in the borough of Norfolk, including the light companies, troops, and artillery, once in every month in the year, except the months of December, January, February and March, and those other months in which the regimental and battalion musters may be held ; all which musters shall be held at such times and places, as the regimental courts of inquiry shall from time to time direct and appoint.

Sec. 2. That in lieu of the fines now imposed by law on the said militia, any non-commissioned officer or private failing to attend his regimental, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay the sum of five dollars ; and the fines on the commissioned officers, shall also be increased in the same proportion. In all other cases of delinquency under the existing law, for which fines are imposed, the said fines shall be increased upon all persons, whether officers, non-commissioned officers, or privates, in the proportion above stated, that is, four fold.

Sec. 3. In order to insure the speedy collection of fines, there shall be a battalion court of inquiry, for the assessment of all fines (held at the discretion of the commanding officer of the regiment) at least once in every two months of those months in which musters are directed to be held, and the fines then assessed, shall be placed in the hands of the collector for collection, within ten days after every such court.

Sec. 4. That the commandant of the regiment, by and with the consent of the regimental court of inquiry, shall be, and he is hereby authorised and empowered to appoint a collector to the regiment, who shall have the same power of a sheriff, or serjeant, in the collection of the fines placed in his hands to collect, and shall receive such compensation therefor, as the regimental court of inquiry shall deem just and reasonable, conforming to the act of Assembly in such case made and provided. And until the regimental court of inquiry shall meet, the commandant of the regiment, by and with the consent of the battalion court of inquiry, shall have the same power to appoint such collector. In both cases, however, the person so appointed, shall, previously to entering upon the duties of his office, give bond with approved security, in such a penalty as the commandant of the regiment may think proper, for the faithful discharge of the duties of his office ; which bond shall be made payable to the governor of this commonwealth, and his successors, and shall be sued upon as other bonds given by collectors of public dues.

Sec. 5. *Provided always*, That so much of the fines imposed by this act as will be in addition to the fines now imposed by law, shall be subject to the sole and exclusive appropriation of the court of the borough of Norfolk.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER LXXIII.

An ACT to amend the Act, entitled, "An act to Class the Counties, and for other purposes."

[Passed January 30th, 1806.]

Section 1. *BE it enacted by the General Assembly, That the counties of Stafford, Isle of Wight and Goochland, shall be placed in the second class, and be thereby entitled to two commissioners each.*

Sec. 2. *And be it further enacted, That the courts of the said counties, Stafford, Isle of Wight and Goochland, shall proceed to the appointment of the commissioners as aforesaid, as soon as may be convenient.*

Sec. 3. *This act shall commence and be in force from and after the passing thereof.*

Counties of
Stafford, Isle
of Wight &
Goochland
placed in se-
cond class.

Courts to ap-
point 2 com-
missioners of
revenue.

Commence-
ment.

CHAPTER LXXIV.

An ACT giving further Powers to the Overseers of the Poor in certain cases.

[Passed January 30th, 1806.]

WHEREAS, it has been represented to the General Assembly, that in many counties within this commonwealth, there are no vestries at present, and that certain donations have been heretofore made for charitable purposes, subject to the direction and management of vestries :

Preamble.

Section 1. *Be it therefore enacted, That in all cases where such donations have been made, to be controuled or managed by the vestry, and where such vestry shall have ceased to exist, it shall and may be lawful for the overseers of the poor, and they are hereby fully authorised and empowered within their respective parishes and counties where such necessity shall occur, to exercise all and singular the powers and duties respecting the said donations, in as full and ample a manner as the same might or could have been exercised by the said vestries did they exist, any law, custom, or usage to the contrary notwithstanding.*

Duty of over-
seers of poor
in cases
where there
are no ves-
tries in coun-
ties.

Sec. 2. *And be it further enacted, That the said overseers and their successors, shall have full power and authority to collect, sue for and recover all such sums of money, tobacco, or other thing, so as aforesaid given, and to apply them in such manner as may have been directed by the donor or donors.*

Their pow-
ers.

Sec. 3. *And be it further enacted, That it shall be the duty of the said overseers, at least once in each year, and oftener if required, to lay before the court of their respective counties, a full and fair account of their proceedings under this act; and if they shall fail so to do, or at any time shall fail to apply the money as directed for the space of six months, they and each of them so offending, shall be subject to the penalty of one hundred dollars for each offence, and the overseer or overseers in whose hands the said money may be, shall moreover be subject to pay an interest not exceeding five per cent. per month on the whole amount so retained for the time the same shall have remained in his or their hands; which penalties shall be recoverable by suit or information in any court of record within this commonwealth, one half to the use of the informer, and the other to be applied under the direction of the court towards effecting the object of the donation. And the said overseers shall be allowed for the services by them to be performed under this act, six per cent. on all sums received and applied by them as aforesaid: Provided, That this act and nothing herein contained shall be so construed as in any manner to affect or repeal the act, entitled, "An act concerning the glebe lands and churches within this commonwealth."*

To lay before
their county
courts an ac-
count of pro-
ceedings un-
der this act,
once a year.

Sec. 4. *And be it further enacted, That the overseers of the poor of the counties, and the courts of the several corporations, may in future refuse to provide for such poor, lame and blind persons, or other inhabitants within their respective counties or corporations, not able to maintain themselves, as shall have migrated into this state from either of the United States, or the territories thereof, within three years next before the time when such person shall make application to be put on the poor list of such county or corporation, unless it shall appear to the satisfaction of the overseers of the poor of the county, or the court of the corporation, to whom such application shall be made, that such person, at the time of his or her migration into this state, was able to maintain himself or herself, and not in a condition to become chargeable to such county or corporation.*

Certain per-
sons who
may not be
provided for
by overseers
of poor.

Sec. 5. *This act shall commence and be in force from and after the passing thereof.*

Commence-
ment.

CHAPTER LXXV.

An ACT more effectually to enforce the Payment of certain Fines into the Public Treasury.

[Passed January 30th, 1806.]

Section 1. *BE it enacted by the General Assembly, That whenever any fine, forfeiture, penalty or amercement, shall be imposed or adjudged by any court, the whole or any part whereof shall be to the use of the commonwealth, the clerk of such court shall, immediately after the term at which such fine, forfeiture, penalty,*

Manner of
proceeding
on certain
fines, &c.

or amercement was imposed or adjudged, issue a writ of fieri facias, or capias ad satisfacendum against the defendant or delinquent, for the amount thereof, which execution shall be directed, levied and accounted for, and the sheriff or other officer in whose hands it may be placed, shall be liable to the same penalties for neglect of duty, as are prescribed by law in other cases of executions on behalf of the commonwealth. And for the more effectual collection and payment of the said fines, forfeitures, penalties and amercements, it shall be the duty of every clerk, issuing an execution as aforesaid, to obtain from the sheriff or other officer to whom it is directed a receipt therefor, a copy of which receipt, together with a copy of the execution and of the judgment on which it was founded, certified by the said clerk, shall be transmitted by him to the auditor of public accounts, within sixty days after the date of the said receipt; and such certified copies shall be evidence on any motion made against the said sheriff, on account of the said execution; for which services the clerk shall be allowed one dollar, to be paid out of the public treasury. And if any clerk shall fail to transmit any of the aforesaid papers, within the time aforesaid, he shall forfeit and pay fifty dollars, to the use of the commonwealth, to be recovered by action of debt or information, in any court of record.

Duty of auditor.

Sec. 2. The auditor of public accounts shall, immediately on receiving from any clerk, the receipt of the sheriff or other officer as aforesaid, debit the said sheriff or officer with the amount thereof in his account of the revenue for that year; and if the said sheriff or officer shall fail to pay the same at the time the public taxes are payable, after an allowance for insolvencies, to be made by the court of his county or corporation, such sheriff or other officer shall be subject to the same proceedings against them for default, as are or shall be directed in cases of public taxes. *Provided*, That no sheriff or other officer shall be liable for the amount of any execution directed by this act, which shall not be returnable before the public taxes are due and payable by him into the treasury, until the revenue of the next succeeding year becomes due, at which time he shall pay the amount collected by virtue of such execution as before directed.

Sec. 3. And whereas, it hath been represented, that considerable sums of money, arising from fines, forfeitures, penalties and amercements, imposed and adjudged for the use of the commonwealth, remain in the hands of sheriffs and others, who have failed to pay the same into the public treasury:

Duties of clerks where such fines, &c are now due.

Sec. 4. *Be it therefore enacted*, That the clerks of the several courts within this commonwealth, in which any fine, penalty, forfeiture or amercement, may have been imposed or adjudged to the use of the commonwealth, shall within three months after the commencement of this act, transmit to the auditor of public accounts, correct lists of all writs of capias pro fine, or other writs of execution that have issued from their respective offices, on judgments rendered, since the first day of January, one thousand seven hundred and ninety-six, for any fine, penalty, forfeiture or amercement, appropriated by law, either in part or the whole, to the use of the commonwealth, together with their amount severally, the officer's name to whom delivered, and the return of such officer, if any be made. Every clerk, failing to transmit such list, shall forfeit the sum of fifty dollars, to be recovered by motion in the general court, by the auditor of public accounts, for the use of the commonwealth, on ten days previous notice.

Duty of Auditor.

Sec. 5. *And be it further enacted*, That it shall be the duty of the auditor of public accounts, on receiving such list, to proceed against such sheriff or other officer, from whose return it shall appear that he has collected any fine, penalty, forfeiture or amercement, or part thereof, by motion in the general court, on ten days previous notice, for the amount so collected, on which motion, the list certified by the clerk shall be admissible evidence.

Clerks to deliver list of executions since 1796 to attorney prosecuting for commonwealth.

Sec. 6. *And be it further enacted*, That it shall be the duty of the clerk of every court, in which any such fine, penalty, forfeiture or amercement has been imposed or adjudged, to furnish the attorney, prosecuting on behalf of the commonwealth in such court, with a list of all writs of capias pro fine, or other writs of execution, issued since the said first day of January, one thousand seven hundred and ninety-six, and which were delivered to any sheriff or other officer, and not returned. And it shall be the duty of such attorney, to proceed by motion in such court, against such sheriff or other officer, for failing to return such process: And such sheriff or other officer, having ten days previous notice, shall be liable to the same recovery for the use of the commonwealth, as is provided by law for failing to return other executions on behalf of the commonwealth. And on any such process being afterwards returned satisfied, in whole or in part, it shall be the duty of the clerk to certify such return to the auditor, who shall proceed to recover the same as herein before directed.

Power of courts as to remitting fines, &c.

Sec. 7. *And be it further enacted*, That it shall not be lawful for any court within this commonwealth to remit any fine, penalty, forfeiture or amercement, except fines

imposed for contempts committed against any court, in which case the court shall have power to remit such fine, or any part thereof, for good cause shewn during the term at which the same shall be adjudged: *Provided*, That nothing herein contained shall extend to cases, where by law time is given the party to shew cause, nor to cases where express power is given to the courts to remit such fines; forfeitures, penalties or amercements, by the respective acts imposing the same. *Provided always*, That nothing in this act contained shall be construed to extend to such fines, forfeitures, penalties or amercements, as are now directed by law to be applied towards lessening the county levy, or which may be otherwise specially appropriated by any act of the General Assembly.

Sec. 8. This act shall commence and be in force from and after the first day of June next.

Proviso.

Proviso.

Commencement.

CHAPTER LXXVI.

An ACT to Incorporate a Library Company in the City of Richmond.

[Passed January 30th, 1806.]

Preamble.

WHEREAS, it is represented to the General Assembly by the Library Society of Richmond, that from the beginning of their institution, in the year one thousand seven hundred and eighty-four, they have gradually accumulated an extensive and valuable library, and that it would greatly promote the good purposes of the institution, if they were made a body corporate: And whereas, the General Assembly are desirous of encouraging so laudable an institution:

Section 1. *BE it therefore enacted by the General Assembly*, That the said society be, and they are hereby made and constituted a body corporate and politic, by the name of the Library Society of Richmond, and by that name shall have perpetual succession and a common seal, with capacity to purchase, receive and possess, goods and chattels, lands and tenements, in fee or otherwise, and the same to grant, let, sell or assign: *Provided nevertheless*, That they shall not purchase, receive or possess, more lands, tenements, goods or chattels, as aforesaid, than shall be sufficient for carrying into effect the beneficial purposes of the institution. And by the name aforesaid, they may sue and be sued, plead and be impleaded, in all causes in law and equity.

Sec. 2. *And be it further enacted*, That the said society shall meet annually on the fourth Monday in February, in every year, of which meeting ten days previous notice shall be given in one of the news papers published in the city of Richmond; and the said society, or a majority thereof, shall elect by ballot, out of the members of the society, a president and three directors, whose authority shall continue for one year, and until another president and directors are chosen in their stead. If it should happen that a president and directors are not chosen on the day appointed, the members who convene may adjourn the meeting from day to day, not exceeding six days, until a president and directors are chosen.

Society incorporated.

To meet annually.

And appoint President and directors.

Sec. 3. The said president and directors, or a majority of them, shall have power to fill up all vacancies which may occur in their own body, by death, resignation or removal out of the jurisdiction of the said city of Richmond; to appoint a librarian, a treasurer, and all other necessary officers, and to fix their salaries.

Their powers.

Sec. 4. *And be it further enacted*, That the said president and directors, or a majority of them, shall have power to make such bye-laws, rules and regulations (not contrary to the constitution and laws of this state, or of the United States) as they may think necessary and proper for the conduct and government of the said society; subject, however, to the revision and amendment of a majority therof, who shall be convened for that purpose, at the request of any ten members of the society.

To make bye-laws, &c.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER LXXVII.

An ACT to provide for the Payment of Expenses incurred by Removing certain Prisoners to the Penitentiary House.

[Passed January 31st, 1806.]

Section 1. *BE it enacted by the General Assembly*, That Tarlton Woodson, former sheriff of Prince Edward county, and John Sterne of the county of Stafford, for certain services rendered by them in conveying certain prisoners from their several district jails to the penitentiary, be, and are hereby entitled to the same compensation to which they would have been entitled if the said services had been rendered after the passing of an act, entitled, "An act for paying the expenses of removing criminals from the district jails to the penitentiary house, and for other purposes:" *Provided always*, That the said Tarlton Woodson obtain a certificate from the keeper of the said penitentiary house, ascertaining the name of the prisoner, and make oath before some justice of the peace to his account; and the said John Sterne ob-

Certain sum allowed to T. Woodson & J. Sterne.

tain a certificate from the sheriff he attended, ascertaining the number of days he acted as one of the guard, and make oath before some justice of the peace to his account.

Sec. 2. This act shall be in force after the passing thereof.

CHAPTER LXXVIII.

An ACT to Repeal part of the several Acts allowing Rewards for Killing Wolves.

[Passed January 31st, 1806.]

Section 1. *Be it enacted by the General Assembly,* That all and every act and acts heretofore made, giving a reward for killing wolves, shall be, and the same are hereby repealed, so far as they may prescribe that the rewards paid by the county, shall be re-paid by the public.

Sec. 2. *And be it further enacted,* That all acts and parts of acts allowing a reward for killing wolves, so far as the same respects the county of Russell, be, and the same are hereby repealed.

Sec. 3. This act shall commence and be in force from the passing thereof.

CHAPTER LXXIX.

An ACT to amend an Act authorising Talbot Godwin to Erect a Toll Bridge from the Town of Suffolk over the Eastern Branch of Nansemond River.

[Passed January 31st, 1806.]

Section 1. *BE it enacted by the General Assembly,* That so much of the fourth section of the act, entitled, "An act authorising Talbot Godwin to erect a toll bridge from the town of Suffolk over the Eastern Branch of Nansemond river," as exempts from the payment of tolls, members of Congress, members of the General Assembly of this commonwealth, judges of the General Court, attorneys, suitors, witnesses, or veniremen attending the district court of Suffolk, shall be, and the same is hereby repealed:

Sec. 2. *Provided,* That nothing herein contained shall be construed to authorise the collection of tolls from any citizen of Nansemond county.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

CHAPTER LXXX.

An ACT concerning the Auditor.

[Passed February 1st, 1806.]

Section 1. *BE it enacted by the General Assembly,* That the Executive shall be authorised to grant leave of absence to the auditor, from the city of Richmond, whenever such permission will not be incompatible with the public interests; and during the absence of the auditor, the chief clerk shall discharge the duties of the office, in like manner as by law he is authorised to perform such duties in case of the sickness of the auditor.

Sec. 2. This act shall be in force from and after the passing thereof.

CHAPTER LXXXI.

An ACT giving further Time to the Proprietors of certain Lands, forfeited for the non-payment of Taxes, to Redeem the same.

[Passed February 1st, 1806.]

Section 1. *BE it enacted by the General Assembly,* That the proprietors of lands forfeited to, and vested in the commonwealth, by the non-payment of taxes, agreeably to the act, entitled, "An act more effectually to provide for the payment of taxes upon lands within this commonwealth," may redeem the same by paying into the treasury of this commonwealth, on or before the first day of March, in the year eighteen hundred and seven, all arrears of taxes due thereon.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

CHAPTER LXXXII.

An ACT appointing Commissioners to view the way for a Navigable Canal from Roanoke to Appomattox.

[Passed February 1st, 1806.]

WHEREAS, it is represented to be practicable to cut a navigable canal from the waters of Roanoke to the head of Buffaloe creek, and to connect the same by the said creek with the river Appomattox:

Section 1. *Be it therefore enacted,* That Creed Taylor, Isaac H. Coles, Joseph Wyatt, Richard K. Randolph, Samuel Carter, Charles Scott and William B. Banks, be, and they are hereby appointed commissioners, the duty of whom, or of any three of them, it shall be, to examine the route most convenient for such a communication, and report thereupon their opinion to the next Assembly.

Sec. 2. *And be it further enacted,* That Samuel Goode, Charles G. Field, John B. Goode, George K. Taylor, James Harrison, Thomas Maclin, Francis Hill, John

Commencement.

Law giving reward by country for killing wolves repealed.

As to county of Russell.

Commencement.

Certain persons to pay toll who were exempted.

Proviso.

Commencement.

Executive may grant auditor leave to be absent from Richmond.

Commencement.

Further time to redeem lands forfeited for non-payment of taxes.

Commencement.

Preamble.

Commissioners to ascertain route for canal to connect waters of Roanoke with Buffaloe creek.

Commissioners to ascertain

Shore, Robert Bolling and Benjamin Harrison, gentlemen, or any three of them, be appointed, and hereby are appointed commissioners to view and report to the next General Assembly, the most convenient route for connecting the waters of Roanoke with the navigable waters of Appomattox.

tain route for
canal to con-
nect Roan-
oke with navi-
gable wa-
ters of Appo-
mattox.

CHAPTER LXXXIII.

An ACT concerning Joseph Woodson and Carter B. Harrison.

[Passed February 1st, 1806.]

WHEREAS, a military certificate, amounting to one hundred and twelve pounds, three shillings and four pence, issued in the name of Philip Gough, and came into the possession of Joseph Woodson, was by him lost, and never has been recovered:

Section. 1. *BE it therefore enacted by the General Assembly,* That the auditor of public accounts, is hereby authorised and required to issue, to Joseph Woodson, a duplicate of a military certificate, dated the twenty-ninth day of July, one thousand seven hundred and eighty-three, for one hundred and twelve pounds, three shillings and four pence, which was originally issued in the name of Philip Gough, on his giving bond and security to indemnify the commonwealth against any damage that may accrue from the issuing such certificate. And whereas, it appears that Benjamin Harrison, now deceased, paid into the public treasury, on the fifth day of October, in the year one thousand seven hundred and seventy-nine, the sum of three hundred and sixty pounds, one shilling, paper currency, equal to twelve pounds, seventeen shillings and two pence, specie; and that the said Benjamin Harrison did also, on the eighth day of May, in the year one thousand seven hundred and eighty, pay into the public treasury, the further sum of eight hundred pounds, paper currency, equal to thirteen pounds, six shillings and eight pence, specie; and also, that the said Benjamin Harrison did, upon the day and year last aforesaid, pay a like sum of eight hundred pounds, in like currency, and of like specie value, into the public treasury; and upon the same day, the sum of one hundred and eighty pounds, ten shillings, like currency, equal to three pounds and two pence, specie: And it also appearing that the certificate or certificates of the said payments, have been lost or mislaid:

Preamble.

Auditor to is-
sue to Joseph
Woodson du-
plicate of a
certain certi-
ficate.

Sec. 2. *Be it therefore enacted,* That the treasurer shall be, and he is hereby authorised and required to settle and liquidate the several sums so deposited by the said Benjamin Harrison, and to grant to the said Carter B. Harrison, a certificate therefor, in the same manner as is directed by the act, entitled, "An act making provision for the re-payment of monies paid into the treasury, in pursuance of an act for sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits where such subjects are parties," upon the said Carter B. Harrison giving bond and security, to indemnify the commonwealth against any damage which may accrue from the issuing therof.

Treasurer to
liquidate cer-
tain debt due
the esq: of
Benj. Harris-
on.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER LXXXIV.

An ACT to amend the several Laws concerning the High Courts of Chancery.

[Passed February 1st, 1806.]

Section 1. *BE it enacted by the General Assembly,* That all causes now depending or which hereafter may be depending in the chancery district court of Williamsburg or Staunton, in which the judge of such court is, or may be interested, shall be transmitted to the chancery district court of Richmond. The court, by an order to be entered of record, shall, at the next term, direct the clerk to send the original papers in such suits to the Richmond chancery district court, with copies of all orders and interlocutory decrees made therein, and with a statement of the costs. The chancery district court of Richmond is hereby authorised and empowered, to proceed in, and to decide the causes thus transmitted, in the same manner as if they had been originally instituted therein. And causes which are now or hereafter may be depending in the chancery district court of Richmond, and in which the judge of that court may be interested, shall be transmitted in manner aforesaid, to the chancery district court of Williamsburg, to be there proceeded in, and decided in the same manner as if they had been originally instituted in that court.

Manner of
proceeding in
chancery dis-
trict courts,
where the
chan-
ellers
are interest-
ed in a cause.

Sec. 2. *And be it further enacted,* That pending any vacancy which may hereafter be occasioned by the death, resignation, or removal of any judge of the Richmond, Staunton, or Williamsburg chancery district courts, the judge of the chancery district court nearest to the district where such vacancy shall happen, is hereby authorised and required to grant injunctions and writs of ne exeat, in the same manner as if the cause of any such application had originated in his own district.

Manner of
proceeding in
certain cases
during a va-
cancy in the
office of judge
of said courts.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Commence-
ment.

CHAPTER LXXXV.

An ACT providing for the appointment of Collectors of certain Taxes in the Counties of Tazewell and Lee, and for other purposes.

[Passed February 3d, 1806.]

Preamble.

Collectors of a certain tax in the counties of Tazewell, &c. appointed.

Commission allowed them

Further time allowed for carrying the act into effect

Repealing clause

Commencement.

WHEREAS, it has been represented that the act, entitled, "An act appropriating a certain tax to the opening and completing a road through the counties of Russell and Lee, and for other purposes," has not been carried into effect, so far as it respects the collection of the arrearages of taxes therein appropriated, due in the counties of Lee and Tazewell, owing to the failure in the appointment of collectors:

Sec. 1. *Be it therefore enacted*, That Ambrose Hall, be, and is hereby appointed collector in the county of Tazewell, and Hiram Craig, collector in the county of Lee; who shall severally enter into bond and security, take the oath, have the same powers, and perform the same duties, directed by the same recited act, to all intents and purposes, and shall be subject to the same recovery against them, as if the appointment had been made by the courts of the said counties of Lee and Tazewell. In case of death, or refusal to act, of either of the said persons, it shall be lawful for the court of the county of Russell, to appoint others in their stead, who, on performing the duties herein before mentioned, shall have the same powers as vested in the said Ambrose Hall and Hiram Craig, and be subject to the same recovery.

Sec. 2. The collectors appointed by this act, or those who may be appointed by the court of Russell county, as herein before directed, shall be allowed nine per centum on the amount by them collected, and shall be allowed, until the first day of October next, to make their collection.

Sec. 3. The further time of two years, from the commencement of this act, shall be allowed to carry into effect the above recited act, and the same period is allowed the court of Russell county to make report of their proceedings.

Sec. 4. All acts and parts of acts, coming within the purview of this act, shall be and are hereby repealed.

Sec. 5. This act shall commence and be in force from the passage thereof.

CHAPTER LXXXVI.

An ACT authorising the Superintendent of the Manufactory of Arms to Receive Apprentices on behalf of the State.

[Passed February 3d, 1806.]

Superintendant of manufactory of arms may take apprentices.

County courts may bind orphans to superintendent.

Commencement.

Section 1. *BE it enacted by the General Assembly*, That the superintendent of the manufactory of arms in this commonwealth, shall be, and he is hereby authorised to receive apprentices, not exceeding forty, to learn the art of making arms, upon the same terms that apprentices are usually received by mechanics within this state: *Provided*, That no apprentice shall be bound to the said superintendent for a time less than five years, nor more than eight years.

Sec. 2. *And be it further enacted*, That the county courts within this commonwealth, may, whenever they think proper, direct the overseers of the poor to bind the poor infants within their respective counties, to the superintendent of the manufactory of arms; and in such cases, as well as in all others within the meaning of this act, the said superintendent, if required, shall enter into bond as agent of the state, for a compliance with such contract on his part.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

CHAPTER LXXXVII.

An ACT to relinquish to Elizabeth Smith, Wife of William Smith, the right of the Commonwealth to certain Tracts of Land.

[Passed February 3d, 1806.]

Preamble.

Commonwealth's right to certain land vested in E. Smith.

Commencement.

WHEREAS, Charles Neal, late of the county of Montgomery, and commonwealth of Virginia, hath died intestate and without heirs: And whereas, certain lands, of which the said Charles Neal died seized, have become escheatable to the commonwealth; and it appearing to this General Assembly, that Elizabeth, the widow of the said Neal, hath since intermarried with William Smith of the said county:

Section 1. *Be it therefore enacted*, That all the right, title and interest, of this commonwealth, in all the lands of which the said Neal died seized, or to which he may have had, at the time of his decease, an equitable right, are hereby forever relinquished to the above named Elizabeth. *Provided always*, That nothing in this act shall be so construed, as in anywise to affect private right.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

ACTS

PASSED AT A

William

GENERAL ASSEMBLY

OF THE

COMMONWEALTH

OF

VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF RICHMOND, ON
MONDAY THE FIRST DAY OF DECEMBER, ONE THOU-
SAND EIGHT HUNDRED AND SIX.

RICHMOND:

A C T S
OF THE
GENERAL ASSEMBLY.

—
C H A P T E R I.

An ACT imposing Taxes for the Support of Government.

[Passed January 21st, 1807.]

Section 1. BE it enacted by the General Assembly, That the public taxes for the year one thousand eight hundred and six, shall be as follows, to wit: on lands for every hundred dollars value, agreeably to the equalising law, forty eight cents; for every slave above the age of twelve years, except such as shall be or have been exempted in consequence of age or infirmity, by the respective county or corporation courts, forty four cents; for every stud horse or jack-ass, twice the price such horse or ass covers a mare by the season; for all other horses, mules, mares and colts, twelve cents each; for every ordinary license five dollars on every hundred dollars of the rent of such ordinary, to be ascertained by the rent paid by the tenant, and where such tavern is in the occupation of the proprietor, the yearly value shall be ascertained by the commissioners of the revenue: Provided, that for every ordinary license, not less than twelve dollars and fifty cents shall be paid; for every four wheeled riding carriage, except phaetons and stage waggons, one dollar and twenty five cents per wheel; for all phaetons and stage waggons, eighty four cents per wheel; and for every other riding carriage with two wheels, forty three cents per wheel; for all houses and lots in town, one dollar and fifty six cents on every hundred dollars of the rent thereof, to be ascertained by the rent paid by the tenant, and where such lot or house is in the occupation of the proprietor, the yearly rent or value thereof shall be ascertained by the commissioners of the revenue, or either of them, by comparison of its value with that of other houses or lots actually rented; on every license to sell merchandise of foreign growth or manufacture by wholesale and retail, forty dollars; on every license to retail such goods, fifteen dollars; on every license to a hawker or pedlar, twenty dollars; Provided, that no taxes shall be collected on lands, lots, houses, or other property belonging to this commonwealth, or to any county, town, college or seminary of learning, or attached to any house or houses for divine worship. And provided also, that nothing in this act shall be so construed as to prevent any farmer or planter from selling salt, tea, sugar, coffee, spices, iron or steel, to his neighbours, when such articles were purchased as a return load on carrying his produce to market in his waggon or otherwise.

Taxes for
1806.

Proviso.

Sect. 2. This act shall commence and be in force from and after the passing thereof.

Commencement.

C H A P T E R II.

An ACT to appropriate the Public Revenue.

[Passed January 21st, 1807.]

Section 1. BE it enacted by the General Assembly, That the taxes and arrearages of taxes due prior to the year one thousand eight hundred and five, and all other branches of public revenue which arise to the commonwealth prior to the first day of January, one thousand eight hundred and eight, and the surplus of all appropriations heretofore made, shall constitute a general fund, and be appropriated in the following manner: For the expenses of the General Assembly at their next session, forty thousand dollars; for the officers of civil government, fifty-eight thousand dollars; officers of militia, four thousand dollars; criminal prosecutions and guards, thirty-five thousand dollars; slaves executed and transported, five thousand five hundred dollars; lunatic hospital, six thousand five hundred dollars; Richmond public guard, fifteen thousand dollars; building the manufactory of arms, including unsatisfied claims, four thousand dollars; expenses of manufacturing arms, including officers' salaries and unsatisfied claims, fifty-four thousand dollars; foundry and boring-mill, seven thousand five hundred dollars; for repairs to the James river canal warehouse, one hundred dollars; expense of public warehouses, three thousand dollars; expenses of removing convicts to the penitentiary, and of their confinement therein, including officers' salaries, eight thousand dollars; public services of district court clerks, two thousand three hundred dollars; interest on the public debt registered, five thousand nine hundred dollars; interest due persons who paid money into the treasury on account of British debts, three thousand dollars; pensioners, five thousand dollars; expenses of representation to Congress, and the state Senate, four hundred dollars; instalment on state shares in the Bank of Virginia, thirty thousand dollars; interest payable to the bank in January and July, one thousand eight hundred and seven, nine thousand dollars; commissioners of the revenue, thirteen thousand five hundred dollars; for contingent fund, thirteen thousand seven hundred and fifty dollars; to pay the amount of warrants issued by the auditor of public accounts, as a bounty allowed by law on wolf scalps, to be paid after the first day of October next, three thousand dollars; to pay the warrant of the auditor of public accounts, in favor of Adam Baird and Adam Hosier, the sum of sixteen hundred and thirty one dollars and seventy-five cents, being the amount of a judgment of the district court of Richmond, in behalf of Baird and Hosier against the commonwealth, to be paid after the first day of October next; for payment of warrants that may be drawn on the militia fine fund, four hundred dollars; for Upper Appomattox company, six hundred and twenty-five dollars; to pay the debt due the estate of Robert Tucker, deceased, nineteen thousand two hundred and three dollars, thirty-three cents, to be paid after the first day of October next, with legal interest on ten thousand eight hundred and three dollars and thirty three cents, the principal debt, from the sixth day of January, one thousand eight hundred and seven, until the first of October in the same year.

Appropriation
the public
fund.

Sect. 2. This act shall be in force from and after the passing thereof.

Commencement.

CHAPTER III.

An ACT to amend an act, entitled, "An act more effectually to provide for the Payment of Taxes upon Lands within this Commonwealth."

[Passed January 20, 1807.]

Mode of proceeding.
ing where taxes
are not paid up
on lands.

Section 1. Be it enacted by the General Assembly, That when the taxes on any tract or parcel of land shall have heretofore remained, or shall hereafter remain unpaid for the space of two years, such tract or parcel of land shall be forfeited to the commonwealth, and shall not be subject to location. Provided nevertheless, that the tract or parcel of land so as aforesaid forfeited, shall be subject to the redemption of the former rightful and proper owner at any time within three years after such forfeiture shall have accrued, upon payment of the taxes due thereupon, according to the following rules, to wit: That if the said taxes shall be paid in the first year after such forfeiture shall have accrued, there shall be paid an interest of twenty-five per centum per annum on the amount of the said taxes from the time they became due, till paid: If the said taxes shall be paid in the second year after such forfeiture shall have accrued, there shall be paid an interest of fifty per centum per annum on the amount of taxes due as aforesaid: If the said taxes shall be paid in the third year after such forfeiture shall have accrued, there shall be paid an interest of one hundred per centum per annum, as aforesaid: Provided also, that nothing in this act shall be so construed as to affect the rights of infants, feme covert, or persons of unsound mind, until one year after the disabilities shall have ceased, on their paying all taxes due, with an interest thereon at the rate of ten per centum per annum on the amount due as aforesaid.

Proviso.

Repealing clause.

Commencement.

Sec. 2. All acts and parts of acts coming within the purview of this act, are hereby repealed.

Sec. 3. This act shall commence and be in force from and after the first day of March next.

CHAPTER IV.

An ACT to empower the Executive to appoint persons to collect the Arrears of Taxes.

[Passed January 19, 1807.]

Executive to ap-
point persons
to collect ar-
rears of taxes.

Section 1. Be it enacted by the General Assembly, That it shall be lawful for the Governor, and he is hereby authorised and required, by and with the advice of Council, to appoint a fit and discreet person, either in the brigade districts, or they may appoint one or more in each district for the superior courts of chancery, as may be deemed most eligible, whose duty it shall be to collect all arrears of taxes due this commonwealth prior to the first day of November, one thousand eight hundred and two.

Agents to give
bond, &c.

Sec. 2. Every agent appointed as aforesaid, shall, before he enters upon the duties required by this act, give bond and sufficient security, to be approved by the Executive, conditioned for the faithful performance of the duties required by this act.

Auditor to send
executions on be-
half of Com'w:th.
such agents
iditor to give
information of
debts.

Sec. 3. All executions on judgments obtained in behalf of the commonwealth for the aforesaid arrearages, shall be sent by the Auditor to the agent of the proper district, noting on each the cause of such arrears, and all matters pertinent thereto.

as of agents.

Sec. 4. And it shall moreover be the duty of the Auditor to transmit to such agent information of all debts due the commonwealth on account of any of the aforesaid taxes within his district, for which judgments have not been rendered; and such agent is hereby empowered and directed to use the most effectual means for the recovery of such debts.

render acc'ts.
of his proceed-
ings to Execu-
tive.
penalty for neg-
lect of duty.

Sec. 5. And be it further enacted, That it shall be the duty of every such agent to superintend the execution of all original and mesne process in his district, against any public defaulter and his security or securities, his, her, or their heirs, executors or administrators, and transmit the same from time to time to the Auditor of public accounts.

Executive to ad-
opt rules for
government of
such agents.

Sec. 6. And be it further enacted, That it shall be the duty of every agent appointed by virtue of this act, to render an account of all his proceedings to the Executive once in every year, and moreover to pay into the Treasury all monies received by him, on account of the public, on or before the first of January annually. Every agent failing herein shall be dismissed from office; and he, his security, or securities, his, her, or their executors, or administrators, shall also be liable by motion in the General Court, on ten days previous notice, for all sums of money by him received, with interest at the rate of fifteen per centum per annum from the time the same came into his hands: Provided, that no agent shall be dismissed from office for failing to pay any money pursuant to the provisions of this act, where the same shall not have been in his hands more than one month.

Powers of agents.

Sec. 7. And be it further enacted, That the Executive shall be and they are hereby authorised from time to time to adopt such rules and regulations for the government of such agents, or any one of them, as, in their opinion, will most effectually tend to ensure the collection of the taxes herein before mentioned, or any part thereof; and such agent or agents shall govern themselves accordingly. And they are moreover empowered to remove from office any such agent for good cause, and appoint another in his stead.

Proviso.

Sec. 8. And be it further enacted, That the powers vested in the agents to be appointed under this act shall extend to all defaulters who stand indebted to the public, of whatsoever description they may be: Provided, such debt became due prior to the first day of November, one thousand eight hundred and two.

Compensation to
agents.

Sec. 9. Each agent shall be allowed and paid by the Executive, out of the said arrearages, not less than seven and one half per centum, nor more than twenty five per centum on the monies actually paid into the public treasury.

Additional com-
pensation when
money is recov-
ered out of the
state.

Sec. 10. And be it further enacted, That where any such arrears cannot be recovered within this commonwealth, because of the removal out of this state of the sheriffs or collectors, or their securities, who may owe such arrears, the Executive shall allow such agent an additional per centum on all monies which may be thus collected, not exceeding in the whole thirty three and one third per centum.

Commencement.

Sec. 11. This act shall commence in force from the passing thereof.

C H A P T E R V.

An ACT respecting the Militia of this Commonwealth.

[Passed January 20th, 1807.]

Section 1. BE it enacted by the General Assembly, That when application shall be made for the arrest of any officer, in all such cases, the commanding officer to whom such application shall be made, shall determine whether the offence be cognizable before a military tribunal: and in all such cases, the charge or charges exhibited against such officer, shall be supported by affidavit.

Sec. 2. No officer shall be arrested for any act of which he may be alledged to have been guilty two years previous to the application for such arrest.

Sec. 3. If any militia officer shall be convicted of felony, or of any misdemeanor punishable by confinement in the penitentiary house, or by stripes; or of perjury or forgery, such conviction shall completely supersede and annul his commission, and the office which he filled shall be deemed vacant.

Sec. 4. When the officers of any troop of cavalry or company of artillery, light infantry, grenadiers or riflemen, shall fail, or have failed, to keep the number of such troop or company equal to one half its full number, for the space of one year, the governor, with advice of council, may issue commissions for officers to command another troop or company, to be annexed to the same regiment, which shall completely supersede the commissions issued to the officers of the former troop or company.

Sec. 5. It shall be the duty of the officers of artillery and cavalry, to attend the training of officers in the regiment wherein they respectively reside, and shall be subject to the same penalties on failure as other officers of equal rank.

Sec. 6. And be it further enacted, That none of the volunteer companies of militia hereafter enlisted shall consist of more than seventy-five men rank and file.

Sec. 7. And be it further enacted, That every person hereafter commissioned as a field officer, captain or subaltern, shall, within one month after he shall have received his commission, take the oaths prescribed by law, and, in case of failure, he shall be considered as having vacated his commission; and it shall be the duty of the court of the county wherein such person has been nominated, to proceed forthwith to nominate some other person to supply the vacancy; and in such nomination to certify the cause thereof to the executive.

Sec. 8. And be it further enacted, That wherever the public arms have not been collected and distributed agreeably to the provisions of the act passed at the last session, it shall be the duty of the major or commandant of every battalion where such failure has taken place, forthwith to collect and distribute such arms in the manner directed by the said act. And it shall be the duty of every non-commissioned officer or private, having in his possession any arms distributed before the fourth day of February, one thousand eight hundred and six, to deliver the same, with the accoutrements he may have received, to the commanding officer of the company to which he does, or did belong. Every non-commissioned officer or private neglecting or refusing to deliver such arms or accoutrements when thereto required by such commanding officer, shall forfeit and pay the sum of ten dollars, to be adjudged, collected and applied as other militia fines are.

Sec. 9. And be it further enacted, That every person who now does command, or heretofore has commanded any company of militia within this commonwealth to whom any public arms have been delivered under the provisions of any act of the General Assembly for distribution previous to the fourth day of February, one thousand eight hundred and six, shall, on or before the first day of October, deliver to the major or commandant of the battalion to which such company may belong, all the arms and accoutrements received by him before said time, and which may be delivered to him under the provisions of this act, or he shall deliver the receipts of the non-commissioned officers and privates to whom any arms have been distributed to such major or commandant. Every person failing herein shall forfeit and pay for every stand of arms for which he fails to deliver a receipt, the sum of ten dollars, to be adjudged, collected and applied as other militia fines are: and such person shall moreover be liable in the sum of twenty dollars for every stand of arms by him lost, destroyed or disposed of for his private emolument, to be recovered by motion, on ten days previous notice, in the court of the county in which such person may reside, in the name of the governor for the time being, and to be certified, collected and accounted for by the sheriff in the manner as fines, forfeitures and amercements are.

Sec. 10. And be it further enacted, That every person, being heretofore a major or commandant of any battalion of militia, and to whom any arms or accoutrements have been delivered for distribution prior to the fourth day of February, one thousand eight hundred and six, shall deliver to the major now commanding such battalion, before the first day of August next, all the arms and accoutrements undistributed, and where such arms, or any part of them, have been distributed, he shall deliver the receipts of the officers commanding companies. Every person failing herein shall forfeit and pay the sum of ten dollars for every stand of arms, or receipt for the same, which he shall fail to deliver; to be adjudged, collected and accounted for as other militia fines are.

Sec. 11. And be it further enacted, that it shall be the duty of the commanding officer of every company, who has demanded, or shall demand of any non-commissioned officer or private any arms or accoutrements under the provisions of this act, and where such arms or accoutrements have not been delivered, to apply to any justice of the peace of the county where such arms or accoutrements may be found, who is hereby empowered and directed to issue a warrant directed to any civil officer of his county, commanding him to take from the possession of such non-commissioned officer, or private, or any other person, into whose possession they may come, any public arms or accoutrements intended to be collected and distributed by this act: and it shall be the duty of every such officer forthwith to obey such warrant and obtain such arms or accoutrements and deliver them to the commanding officer of the company where they have been distributed.

Sec. 12. And be it further enacted, That every person in whose possession any of the

Officer applied to 10 acres another to determine if of- fence is cogniza- ble by military tri- bunal.

Charge to be sup- ported by affidavit. No arrest to take after two years.

Certain offences to vacate com- missions.

Officers of light infantry, &c. fail- ing to keep com- pany full for one year, governor may issue com- mission to others. Officers of caval- ry and artillery to attend training of officers.

Volunteer compa- nies not to exceed 75. Officer to qualify within one month after re- ceiving commis- sion.

Regulations as to public arms.

Duties of officer whose companies have been ar- m'd.

Duties of offi- cers of battalions to whom arms have been deliver- ed.

Duties of com- manding officer of companies.

Penalty on per- sons who have

lost public arms, &c. public arms or accoutrements have been destroyed, or who has lost or disposed of any contrary to law, shall be liable to the sum of twenty dollars, to be recovered, by motion in the court of the county where such person may reside, on ten days previous notice, in the name of the governor for the time being, for the use of the commonwealth, to be certified, collected and accounted for, as forfeitures, fines and amerements are.

Officers to report delinquencies, &c.

Proviso.

Regulations where court of enquiry, has not been held.

Commencement.

Interest on money recovered in summary way by securities.

of Commencement.

Jurisdiction of single justice extended to twenty dollars.

Cause of action to be stated in warrant.

Executions to be stayed.

Party cast may appeal.

Sec. 13. And be it further enacted, That it shall be the duty of the commanding officers of companies to report the delinquencies under this act of all non-commissioned officers and privates in their respective companies: and it shall be the duty of the majors or commanders of battalions to report the delinquencies of the commanding officers of companies within their battalions: and it shall be the duty of the commanders of regiments to report the delinquencies of commanders of battalions within their regiments to the proper courts of enquiry: Provided, that nothing in this act contained shall be so construed as to apply to the arms distributed by the executive, under the act passed the twenty-first day of January, one thousand eight hundred and one, entitled "An act to arm the militia of certain towns."

Sec. 14. And whereas it sometimes happens, as the law now stands, that the officers of regiments are prevented by bad weather or other unavoidable accidents from holding regimental courts of enquiry within the time now limited by law; for remedy whereof, be it further enacted, that whenever a regimental court of enquiry shall be prevented from being held within the time now limited by law, by bad weather or other unavoidable accident, the commandant of any such regiment is hereby authorised to appoint another day for holding such court; provided such day shall not be within less than eight days, nor more than fifteen days after the day last appointed for holding such court; and if a sufficient number of officers shall again be prevented from attending, it shall be lawful for such commandant to renew his appointment as above directed, from time to time for thirty days from the day first appointed for holding such court; reasonable notice being given to the officers and privates of such regiment, of the time and place of holding such court.

Sec. 15. And be it further enacted, That in any case which has happened within this commonwealth, within twelve months last past, where a regimental court of enquiry has not been held, from the causes above-mentioned, it shall be lawful for the officer commanding such regiment, within ninety days after the passage of this act, to appoint and hold a regimental court of enquiry, in the same manner and for the same purposes, as if such court had been held within the time limited by law; reasonable notice being given to the officers and privates of such regiment.

Sec. 16. This act shall commence and be in force from and after the passing thereof.

CHAPTER VI.

An ACT to amend the several Acts empowering Securities to recover Damages in a summary way.

[Passed December 20th, 1806.]

Section 1. BE it enacted by the General Assembly, That when any court of record within this commonwealth, shall hereafter render judgment on motion, in favor of any security or securities, his, her or their heirs, executors or administrators, against any principal obligor or obligors, his, her or their heirs, executors, or administrators, for any sum of money, or quantity of tobacco, which may have been paid or satisfied by such security or securities, his, her or their heirs, executors, or administrators, on account of such principal obligor or obligors, his, her or their heirs, executors, or administrators; such court shall allow interest in the said judgment, on the amount so paid or satisfied, from the time or times when the same shall have been paid or satisfied, until the said judgment shall be discharged.

Sec. 2. This act shall commence and be in force from and after the first day of April next.

CHAPTER VII.

An ACT further to extend the Jurisdiction of Justices of the Peace.

[Passed December 23, 1806.]

Sec. 1. BE it enacted by the General Assembly, That when any debt or penalty exclusive of interest, or the subject in controversy in trover and conversion or detinue, shall not exceed twenty dollars, the same shall be cognizable and determinable by any one justice of the peace, who may give judgment thereon, according to the principles of law and equity, for the principal and interest due thereon, or for the value of the subject in controversy, with damages, as the case may be, and costs, and award an execution to be directed to any constable or other officer within this commonwealth, against the goods and chattels of the debtor, or party against whom such judgment shall be rendered, to be executed and returned as other writs of fieri facias are by law directed to be executed and returned; but no writ of capias ad satisficendum shall be granted by any justice of the peace: Provided, however, that no justice of the peace shall take cognizance of any attachment where the sum demanded shall exceed ten dollars.

Sec. 2. The cause of action shall be stated in every warrant issued by a justice requiring any person to appear before him, or some other justice, to answer in any suit for debt, detinue or trover; and all such warrants shall be made returnable on a certain day not exceeding thirty days from the date thereof.

Sec. 3. Executions shall be stayed on judgments given by a justice of peace for any sum exceeding ten dollars, exclusive of costs and interest, forty days; the person requesting such stay giving such security as the justice rendering such judgment shall approve, for the payment thereof, with interest, until the same shall be satisfied. And, unless such judgment shall be paid and satisfied within the period before mentioned, execution shall thereupon be granted by such justice against the party and his security jointly, on which execution no security shall be taken.

Sec. 4. If either party, in any suit hereafter to be brought before any justice of the peace, shall think himself, herself or themselves grieved, where the debt, or subject of trover, or

detinue, or damages, exclusive of interest, shall exceed ten dollars, or the sum demanded on any penal statute shall exceed five dollars, such party, within five days from the rendition of such judgment, may enter an appeal to the next monthly term of the county or corporation court, giving such security as the justice rendering the judgment shall deem sufficient for the payment thereof, and all costs and damages, in case the same shall be affirmed.

Sec. 5. The verbal acknowledgment of any security required to be taken under this act shall be sufficient, and the endorsement by the justice of the name of such security upon the warrant, on which the judgment shall be rendered, shall be conclusive evidence of such acknowledgment.

Sec. 6. Appeals granted under this act shall be tried in a summary way without pleadings in writing on the day to which such appeal shall be returnable, unless good cause be shewn by either party for a continuance; and the courts, in rendering judgments thereon, shall govern themselves by the principles of law and equity. And where judgment is affirmed, the same shall be entered for the amount of the original judgment and the costs of appeal, together with damages after the rate of ten per centum per annum upon the whole amount of the original judgment and costs from the date thereof until payment, and such judgment shall be entered against the principal and his security jointly, and execution thereon shall issue accordingly, and be endorsed, "no security to be taken." And if the judgment of the justice shall be reversed the appellant shall recover full costs.

Sec. 7. Every justice of the peace from whose decision an appeal is prayed, shall on or before the day to which the same shall be returnable, transmit to the clerk the original warrant, with the judgment and the name of the security endorsed thereon. And the clerk shall docket the same, and be entitled to the same fees upon such appeals as clerks of district courts are entitled to for similar services. Any person or persons who shall be compelled to pay money under this act as a security, his, her, or their executors and administrators, shall have the same remedy against the principal or principals, his, her, or their executors and administrators, by motion, for the amount so paid, with interest and costs thereon, as other securities are by law entitled to.

Sec. 8. When the constable or other officer to whom any execution shall hereafter be directed by a justice of the peace shall not be able to find goods and chattels to satisfy the same, he shall make return thereof to the clerk of his county or corporation, who shall docket the same; and the party shall be entitled to such writ or writs of execution for the recovery of the amount due thereon, as if the judgment upon which such execution issued had been rendered in court. And the same proceedings shall be had upon executions to be issued by the clerks under this act, as upon executions founded upon judgments rendered by courts of law, and the clerks shall be entitled to the same fees for the services hereby required of them, to which they would have been entitled if such judgments had been rendered in court.

Sec. 9. Every justice of peace shall have power to issue executions and subpoenas for witnesses to be directed to the constable or other officer of any county or corporation within this commonwealth, where the party or witness resides.

Sec. 10. If any constable or other officer shall fail to make return of any execution to him to be directed under this act, on or before the return day thereof (which shall in no case exceed sixty days from the date thereof) it shall be lawful for any justice of the peace, ten days notice being given, upon the motion of the party injured, to fine such constable or other officer, in any sum not exceeding five per centum per month, upon the amount of such execution, counting from the return day thereof.

Sec. 11. Whosoever shall bring any action or suit, if it shall appear, either by his own shewing or the verdict of a jury, that a justice of the peace had cognizance under this act, shall be non-suited.

Sec. 12. The same fees for counsel or attorneys shall be taxed in the bills of costs upon appeals under this act, as were heretofore taxed upon petitions and summonses.

Sec. 13. If any constable or other officer shall hereafter receive any money or tobacco upon any execution hereafter to be directed by any justice of the peace, and shall not pay the same to the party or his agent entitled thereto, upon the return of such execution, the party or parties, his, her, or their executors or administrators injured thereby, shall be entitled to the same remedy, by motion, for the sum so received, with interest and costs, against such constable or other officer and his security or securities, his, her, or their executors and administrators, to which he would have been entitled against a sheriff for money received on an execution issued upon the judgment of a court of law. And the court of the county or corporation in which the bond of such constable or other officer is, or shall be deposited, shall have power to hear such motion, and to render judgment thereon.

Sec. 14. And be it further enacted, That every court within this commonwealth, on reversing any judgment of any justice of the peace, shall pronounce such final judgment, as, in their opinion, such justice ought to have rendered.

Sec. 15. All acts and parts of acts contrary to this act, and particularly so much of the act, entitled, "An act, reducing into one all acts and parts of acts concerning the county and corporation courts," as relates to petitions for small debts and penalties, shall be and are hereby repealed. But all such petitions as shall be commenced and undetermined before the commencement of this act, shall be decided, and executions shall be issued on the judgments to be given thereon, in the same manner as if this act had not been made.

Sec. 16. This act shall be in force from and after the first day of June next.

Verbal acknowledgment of security sufficient.

Appeals, how tried.

Justice to transmit papers to court.

Constable to return execution to court when nothing found to satisfy it.

Justice may issue execution or subpoena for witness.

Penalty on constable.

Persons who are non-suited.

Fees of counsel &c Motion against constable.

Court to pronounce final when they reverse judgment of justices. Repealing clause.

Commencement.

CHAPTER VIII.

An ACT declaring the Law in cases of Discounts and Offsets.

[Passed December 29, 1806.]

WHEREAS doubts have arisen whether there is any law now in force regulating discounts and offsets in the courts of common law within this commonwealth; for removing whereof,

Preamble.

Defendant at liberty to prove all discounts.

Commencement.

Section 1. BE it enacted by the General Assembly, That when any suit shall be commenced and prosecuted in a court within this commonwealth, for any debt due by judgment, bond, bill, or otherwise, the defendant shall have liberty, upon trial thereof, to make all the discount he can against such debt, and upon proof thereof, the same shall be allowed in court.

Sect. 2. This act shall be in force from and after the first day of May next.

CHAPTER IX.

An ACT to amend the act for reducing into one the several acts prescribing the Oath of Fidelity, and Oaths of Public Officers.

[Passed December 30, 1806.]

Judicial oaths and oaths of office, how to be taken.

Section 1. BE it enacted by the General Assembly, That any person refusing to take an oath in the manner the same hath heretofore been usually administered, and declaring religious scruples to be the true and only reason of such refusal, if he or she shall use the solemnity and ceremony, and repeat the formulary observed on similar occasions, by those of the church or religious society of which such person professeth himself or herself to be a member, or to join in communion with, or shall use the solemnity and ceremony, and repeat the formulary which, in his or her opinion, is or ought to be observed on such occasions, according to the religion in which such person professeth to believe, he or she shall therupon be deemed as competent a witness, or be as duly qualified to execute an office, or perform any other act, to the sanction whereof an oath is or shall be required by law, and shall be subject to the same rules, derive the same advantages, or incur the same penalties or forfeitures, as if he or she had sworn.

Repealing clause.

Sec. 2. So much of any act or acts as comes within the purview of this act, shall be and is hereby repealed.

Commencement.

Sect. 3. This act shall be in force from the passing thereof.

CHAPTER X.

An ACT to punish certain Thefts and Forgeries.

[Passed December 31st, 1806.]

Punishment on persons fraudulently obtaining, &c. bank notes.

Sec. 1. BE it enacted by the General Assembly, That if any person shall fraudulently obtain, or aid or assist in obtaining from the Bank of Virginia, or any of its offices of discount and deposit, any bank or post note, or money, by means of any forged or counterfeited check or order whatsoever, knowing the same to be forged or counterfeited, then every such person being duly convicted therof, shall be sentenced to suffer imprisonment in the jail and penitentiary house, for a period of time not less than two, nor more than ten years.

For forging or counterfeiting them.

Sec. 2. And be it further enacted, That if any person shall forge or counterfeit, or aid in forging or counterfeiting, or keep or conceal, or aid in keeping or concealing any instrument for the purpose of forging or counterfeiting the seal of the Bank of Virginia, then every such person, being duly convicted thereof, shall be sentenced to suffer imprisonment in the jail and penitentiary house, for a period of time not less than five years, nor more than fifteen years.

Stealing from robbery of m.

Sec. 3. And be it further enacted, That if any person shall steal or take by robbery from another any bank or post note, then every such person, being duly thereof convicted, shall be sentenced to suffer imprisonment in the jail and penitentiary house, for a period of time not less than three years, nor more than ten years.

Commencement.

Sect. 4. This act shall commence and be in force from and after the passing thereof.

CHAPTER XI.

An ACT concerning Ideots and Lunatics.

[Passed January 6th, 1807.]

Person refused to be received into hospital for want of room.

Section 1. BE it enacted by the General Assembly, That when the court of directors of the hospital at Williamsburg for the reception of persons of unsound minds, shall for want of room or other cause, refuse to receive any person sent to the said hospital, under the act, entitled, "An act reducing into one the several acts making provision for the restraint, support and maintenance of ideots and lunatics and the preservation and management of their estates," the officer and guard to whom such ideot or lunatic, or supposed ideot or lunatic was entrusted, shall carry him or her back to the magistrates before whom the examination was had, who are authorised and required to give to the officer conducting such ideot or lunatic, or supposed ideot or lunatic, a certificate of the services so performed by himself and guard, and of the distance of the said hospital from the place whence such ideot or lunatic, or supposed ideot or lunatic was sent; and upon production of such certificate to the auditor of public accounts, he shall issue a warrant in favor of such officer and guard, for their services and travelling expenses, allowing to each, five cents per mile for going to the said hospital, and the same for returning, besides ferrages, and allowing further to such officer, four cents per mile going, and the same returning, for each ideot or lunatic, or supposed ideot or lunatic, besides ferrages, to be paid out of any monies in the public treasury.

Magistrate to grant certificate of service.

Sec. 2. When upon the return of an insane person to the county whence he or she was sent, it shall be necessary to confine him or her in the jail thereof, the jailor shall be compelled to receive such person, and shall be paid for each day's maintenance of him or her, in the same manner as jailors are now paid for prisoners confined for offences.

And auditor to issue warrant to officer and guard.

Sec. 3. All expenses under this act shall be reimbursed, in the manner directed by the before-mentioned act, out of the estate of the insane person or persons, on whose account they were incurred, if any, he, she or they may have; Provided, such person or persons be found insane by the said court of directors.

Repealing clause.

Sec. 4. So much of any act as comes within the purview of this act, shall be and is hereby repealed.

Commencement.

Sect. 5. This act shall commence and be in force from and after the passing thereof.

C H A P T E R XII.

An ACT to amend an Act, entitled an Act, "to amend the several Laws concerning Slaves."

[Passed January 12th, 1807.]

WHEREAS inconveniences have arisen from the operation of an act, entitled, "An act to amend the several laws concerning slaves;" for remedy whereof,

Preamble.

Section 1. BE it enacted by the General Assembly, That when any inhabitant of this state, shall have left or shall leave the same, with an intention to return to his or her residence in this state, and shall have carried or shall carry with him or her, his or slaves, or any of them, every such person shall have the right of bringing back with him or her into this state, such slaves, when he or she shall return again into the same.

Person leaving this state with view of returning, may bring back his slaves.

Sec. 2. Be it further enacted, That any person, whose land may extend across the boundary line of this state, or who cultivates land adjoining upon both sides of the said line, shall have the privilege of working and removing his or her slaves on either side thereof, according to his or her pleasure; but no slave owned in another state, and so to be employed in this state, shall be sold, or otherwise employed therein. And any person, an inhabitant of this state on the twenty-fifth day of January last, shall also have the right, within six months after the passage of this act, of bringing into this state any slaves, and their increase since that day, whereof he was then and is now, the real owner.

Where land extends across state line, owner may work his slaves, &c.

Sec. 3. Any person, an inhabitant of any other state, shall have the privilege of employing his or her slaves in carrying his or her produce to any market, or as travelling servants, in this state.

Inhabitant of other state may bring produce to market in this state with his slaves, &c.
Repealing clause.
Commencement.

Sec. 4. All acts and parts of acts coming within the purview of this act, are hereby repealed.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

C H A P T E R XIII.

An ACT concerning the Internal Regulations of the Penitentiary House.

[Passed January 20, 1807.]

Section 1. BE it enacted by the General Assembly, That so much of any act or acts as requires that a board of inspectors shall be appointed for the government of the Jail and Penitentiary house, and ascertains their powers and duties; and so much of any act or acts as empowers the said inspectors, with the Executive and the Attorney General, to form a board, with power to prescribe rules for the internal government of the said Jail, shall be and the same are hereby repealed.

Penitentiary law requiring board of inspectors of certain persons, repealed.

Sec. 2. Be it further enacted, that it shall and may be lawful for the Governor, by and with the advice and consent of Council, from time to time to make and ordain all such rules and regulations as to them shall seem expedient, for the purchase of materials for the manufactory carried on within the Jail and Penitentiary house, and the tools and implements necessary therein; for contracting for the clothing and diet of convicts; for the sale of articles by them manufactured; for providing for and enforcing all such punishments by solitary confinement, low and coarse diet, or by stripes not exceeding thirty nine, as may be necessary for punishing offences, disobedience, profane cursing and swearing, indecent behaviour, idleness and other breaches of duty and good order, committed within the Jail and Penitentiary house by the convicts therein confined; which rules and regulations so ordained and established, it shall be the duty of the keeper, his clerks, assistants and turnkeys to obey and execute.

Certain powers granted the Executive.

Sec. 3. Be it further enacted, that in addition to the powers hereby vested in the governor and council, it shall and may be lawful for them from time to time to execute any or all of the powers and duties at any time heretofore vested in, or enjoined upon, the mayor of the city of Richmond, the court of the said city, the inspectors, or the inspectors with the governor and council and the attorney general, whenever the exercise of all or any of the powers aforesaid shall to them appear expedient and necessary for the good government of the Jail and Penitentiary house.

Certain of powers granted

Sec. 4. Be it further enacted, that so much of any act or acts of Assembly as allows to the keeper of the said Jail any commission or commissions upon the purchase or sale of any article or manufacture, shall be, and the same is hereby repealed: But the governor, with the advice of council, may nevertheless contract with the said keeper, or with any other person or persons, for the diet and clothing of the prisoners; for the purchase of materials, tools and implements, and for the sale of wares and merchandize manufactured within the said jail, on such terms as to them shall seem most advisable for the public interest, and from time to time may make such reasonable allowances, or commissions on the objects aforesaid, as they shall deem proper.

Executive to contract for diet, raw materials, &c.

Sec. 5. The said keeper shall compel every prisoner to perform his daily labour, unless such prisoner shall have been placed on the list of invalids by the physician, whose duty it shall be to visit the Penitentiary once in every day (Sundays excepted) from the first of July to the first of November, once in two days the residue of the year, for the purpose of examining the convicts as to their health and ability to work.

Keeper to compel prisoners to perform their duties.

Duties of Physician.

Sec. 6. The salary of the physician appointed by the Executive to visit the Jail or Penitentiary, shall be five hundred dollars, to commence from the first day of January, one thousand eight hundred and seven.

Phys'a's salary.

Sec. 7. This act shall commence in force from and after the passing thereof.

Commencement.

C H A P T E R XIV.

An ACT authorising Samuel Pleasants, Junior, to Publish a Collection of certain Public Laws of this Commonwealth, and for other purposes.

[Passed January 7th, 1807.]

WHEREAS it hath been represented by Samuel Pleasants, junior, that he hath, at a very considerable expense, prepared for publication a continuation of the Revised Code of Laws,

Preamble.

containing a collection of all such acts of the General Assembly, of a public and permanent nature, as have passed since the session of one thousand eight hundred and one, together with several other acts of the same nature, which were omitted in the late collections; and the said Samuel Pleasants, junior, having petitioned the Legislature to sanction a publication of the same in such manner as to give them legal authority;

Commissioners to certify.

Certain number of copies taken by the commonwealth.

How to be distributed.

Commencement.

Section 1. BE it therefore enacted, That upon the certificate of William W. Hering, William Munford and George W. Smith, or any two of them, being published with the said laws, stating that they had carefully compared the edition of the acts so to be published, with the original laws, and found them to be truly and accurately printed, they shall be received and considered of equal authority, in the courts of this commonwealth, as the originals from which they are taken.

Sec. 2. And be it further enacted, That the governor be, and he is hereby authorised and required, to subscribe, on behalf of the commonwealth, for one hundred and fifty copies of the edition proposed to be published as aforesaid; and the sum of four dollars, which is hereby declared to be the price for each copy, shall be paid out of the treasury at the expiration of twelve months from the time of their delivery, on warrant or warrants to be issued by order of the Executive.

Sec. 3. The number of copies so subscribed for on behalf of the commonwealth, shall be distributed by the Executive, among the clerks of the several courts within this commonwealth, the clerks of the Senate and House of Delegates, the auditor of public accounts, treasurer, register of the land office, and clerk of the Executive Council, so that each have one copy for the use of their respective offices.

Sec. 4. This act shall be in force from the passing thereof.

CHAPTER XV.

An ACT directing the mode of proceeding against Decedents' Estates, and providing a mode of Reviving Suits in certain cases.

[Passed January 7th, 1807.]

Suit may be bro't against sheriffs where estate is committed to them.

sheriff dying committed to successor.

writ of &c. may be revived a. 1st sheriffs in such cases.

sheriff may revive suits by scire facias.

Commencement.

Section 1. BE it enacted by the General Assembly, That in cases where on default of the qualification of an executor, or an administrator, as the case may be, the estate of a deceased person is committed by any court in this commonwealth, to the sheriff, it shall be lawful for any creditor of the deceased, to prosecute any action or actions at law, or suit or suits in equity, against such sheriff, which he or she might or could have maintained against an executor or administrator, if one had qualified on the estate of such deceased person; in which action or suit in equity, the court in which it shall be brought, shall render a judgment or decree as in ordinary cases; and such judgment or decree, if against the sheriff, shall charge the assets which shall come to his hands, and shall be paid by such sheriff under the order of such court, either by discharging the whole debt, or if there be not sufficient property of the deceased, then in proportion to what other creditors shall receive under the order of the court. And in case such sheriff shall die before he has fully administered, the succeeding sheriff, or sheriff then in office, shall take into his hands the estate of such deceased person unadministered; and shall, in all respects relative thereto, act as if the said estate had been originally committed to him: and all suits relative to the said estate commenced by or against his predecessor may be revived by scire facias in his name; Provided, that the same could have been revived by or against an executor or administrator.

Sec. 2. And be it further enacted, That where any appeal, writ of error, or supersedeas, depending in any court of this commonwealth, shall abate, or is now abated by the death of either the appellant or appellee, or the plaintiff or defendant in error, and the estate of such appellant or appellee, plaintiff or defendant in error, shall be committed to the sheriff as before mentioned, it shall be lawful for the court where such appeal, writ of error or supersedeas, is now or shall be hereafter depending, to revive the same by scire facias, in the same manner that it might have been revived if an executor or administrator had qualified.

Sec. 3. And be it further enacted, That where any suit, depending in any court of law or equity, is abated, or shall abate, either by the death of the plaintiff or the defendant, the same may be revived by scire facias in the name of the sheriff to whom the estate may be committed as aforesaid; Provided, that the same could have been revived by or against an executor or administrator: Provided, nevertheless, that in case of a suit brought or revived against a sheriff, or an appeal, writ of error, or supersedeas, revived against a sheriff as representing a deceased person as aforesaid, such sheriff shall not be liable for costs, in case a decree or judgment is rendered against him, unless he has assets to defray such costs, and if he has not sufficient assets, then said plaintiff, appellant, or plaintiff in error, shall be liable for so much of said costs as the said sheriff shall not have assets enough to pay.

Sec. 4. This act shall be in force from and after the passing thereof.

CHAPTER XVI.

An ACT concerning Impressments.

[Passed January 8, 1807.]

Property impress'd to be apprais'd, &c.

When property is lost or injured, officer to certify.

Property may be revalued in certain cases.

Sec. 1. BE it enacted by the General Assembly, That whenever it shall be necessary to impress any property for the use of this commonwealth, it shall be the duty of the officer or person who impresses the same, to apply to a justice of the peace of the county wherein the property shall be impressed, who shall cause the same to be appraised by two disinterested, respectable housekeepers sworn for that purpose; and if it shall so happen that the property so impressed is totally destroyed or lost in the service of the commonwealth, so that the same cannot be returned to the owner, the officer or person who impressed the property shall so certify: Upon the owner producing such appraisement and such certificate, the auditor of public accounts is hereby authorised and required to issue a warrant for the amount of the appraisement, on the treasurer, who is directed to pay the same out of any monies in the treasury. Should the property impressed as aforesaid, be restored to the owner, and he should conceive it had been injured in the service of the commonwealth, he may, within five

days thereafter, call on the same persons who first valued the said property, if to be found, who shall be sworn to determine the value of such property at the time the same was restored to the owner, otherwise any justice in the county where the property was impressed, may cause two housekeepers to value the same upon oath as aforesaid. The justice or justices, as the case may be, shall certify, to the auditor of public accounts, such first and second valuation, with their true date and the time such property has been restored; who shall, if the second valuation amount to a less sum than the first, issue a warrant for the difference, to be paid out of any money in the treasury. Provided, nevertheless, that in all second valuations, the hire of such property shall be taken into consideration by the appraisers.

Sec. 2. And be it further enacted, That if it shall appear that such property has been injured by the officer or person who impressed it, or any other person, whereby the Commonwealth has sustained an injury, it shall and may be lawful for any attorney prosecuting on behalf of this Commonwealth, where such person resides, to recover the said damages, upon motion, before any court of record within the Commonwealth, ten days notice thereof having been previously given: But such person may, if required, have such motion tried by a jury, provided he will not delay the trial.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Proviso.

When property
is injured, Com-
monwealth may
have remedy ag^t
persons injuring.

Commencement.

CHAPTER XVII.

An ACT to amend the act, entitled, "An act to compel the attendance of Witnesses before a Single Justice of the Peace."

[Passed January 9, 1807.]

Section 1. BE it enacted by the General Assembly, That when any person who shall be summoned as a witness to attend before any magistrate of a county or corporation within this Commonwealth, to give evidence in any matter depending before such magistrate, shall fail to attend accordingly, not having a reasonable excuse for such failure, such witness shall be fined by the magistrate, before whom he shall fail to attend, in such sum as the magistrate shall think fit to impose, not exceeding five dollars, to the use of the party for whom such witness was summoned, and shall moreover be liable for damages in the manner now prescribed by law. Provided, however, that the witness failing to attend as aforesaid, may for good cause shewn, be excused as heretofore.

Sec. 2. This act shall be in force from and after the first day of June next.

Fine on witness
failing to attend
before single ma-
gistrate.

Commencement.

CHAPTER XVIII.

An ACT to amend and explain an act, entitled, an act, "To reduce into one all acts and parts of acts relating to the appointment and duties of Sheriffs."

[Passed January 10, 1807.]

Section 1. BE it enacted by the General Assembly, That in all cases where the person first nominated in the commission to the office of sheriff of any county, shall fail to give bond in two months after his appointment, as the law directs, and a certificate of such failure shall have been transmitted by the clerk of such county, to the governor or chief magistrate for the time being; or where the person first nominated to the said office of sheriff, shall fail to make application to the governor or chief magistrate for a commission, within one month after such nomination, the governor, with the advice of council, is hereby authorised and required to issue a commission to some other person nominated by the court, unless good cause be shewn to the contrary; which commission to all intents and purposes, shall supersede and annul the former commission; and if the person thereafter commissioned or nominated as aforesaid, shall be guilty of the like neglect, the governor, with the advice of the council, is hereby authorised and required, in either case, to commission any other person or persons nominated by the court, unless good cause be shewn to the contrary; which last commission shall in like manner supersede the former.

Person first
nominated as sh.
failing to give
bond,

or apply for
commission,

Executive re-
mission son
ther without
cause shewn.

Sec. 2. And if hereafter there shall be a vacancy in the office of sheriff or sergeant in any county or corporation within this commonwealth, the coroner, or coroners of such county, or corporation, shall execute, do and perform all the duties which appertain to the office of sheriff or sergeant, except such as relate to the collection of the public revenue, levies, fines, forfeitures, amerements and officers' fees. And, in case of any neglect or breach of his or their duty, such coroner or coroners shall be subject to the same pains, penalties, forfeitures and damages, and to the same proceedings, judgment and execution as sheriffs or sergeants are subject to in like cases.

Vacancy in of-
fice of sheriff or
sergeant, coroner
to act.

Sec. 3. And be it enacted, That it shall and may be lawful for all deputy sheriffs to collect and make distress for any levies, fines, forfeitures or amerements, which may be due at the time of the death of their high sheriffs: and also to collect and make distress for all officers' fees, which may have been received by such high sheriff, or any of his deputies to collect, and which may remain due at the time of the death of such high sheriff; and such deputy shall be accountable for such levies, fines, forfeitures, amerements and fees in like manner as if the sheriff had lived. It shall be lawful for the county courts within this Commonwealth to qualify any person or persons, for the purpose of completing the collection of levies, fines, forfeitures, amerements and officers' fees in any county where the sheriff and his deputy shall die before such collection shall be completed. And the person or persons, so appointed, after having given bond and security, to the executors or administrators of such sheriff, to be approved of by the court, for the faithful performance of the duties of the office, shall have the same power, in all respects, for collecting such levies, fines, forfeitures, amerements and fees as the high sheriff would have had: but the acting executors, or administrators of such high sheriff, if any there be at the time of such appointment, shall be summoned by order of court to shew cause, if any they can, against the person whom the said court shall nominate. The person or persons so appointed shall, in all respects, be subject to the same penalties for any neglect of duty or failing to account for and pay to the person or persons authorised to

High sh^r dy-
ing, deputy may
collect certain
dues.

Sheriff and de-
puty dying, com-
ty to appoint col-
lector.

receive the money by him or them so collected, and may be proceeded against by executors or administrators, in the same manner as deputy sheriffs are liable to, and may be proceeded against by their principals.

Remedy against securities of sheriffs, &c. Sec. 4. And be it further enacted, That the same remedy is hereby given against the securities and representatives of sheriffs, sergeants and coroners as is given against the sheriff, officer or under sheriff, or securities of such under sheriff, by the fifty first section of the act, entitled, "An act for further continuing and amending the act, entitled, an act reducing into one the several acts concerning executions and for the relief of insolvent debtors."

Repealing clause. Sec. 5. All acts and parts of acts coming within the purview of this act, shall be and the same are hereby repealed.

Commencement. Sec. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER XIX.

An ACT to amend the Act concerning Constables.

[Passed January 10th, 1807.]

Bond to be taken of constables. Section 1. BE it enacted by the General Assembly, That every constable hereafter to be appointed by a county or corporation court, shall enter into bond in such penalty, not being less than five hundred dollars, nor more than fifteen hundred dollars, as such court in their discretion shall direct, and in the manner and form now prescribed by law.

County to be laid off into districts for constables. Sec. 2. And be it further enacted, That the several county courts within this commonwealth shall, from time to time, when they appoint constables under the act concerning constables, lay off their respective counties into so many districts as they may deem convenient, and assign one or more constables to each. And it shall be the duty of every constable to confine himself in the service of warrants and executions to the limits of his district, and return all warrants to some place within his district. And every constable who shall execute any warrant, or levy any execution contrary to the provisions of this act, shall forfeit and pay the sum of five dollars for every offence, to be recovered against such constable and his security or securities, his, her or their executors or administrators, before the court of the county wherein such constable was appointed, by motion, on ten days previous notice.

Penalty for demanding higher than legal fees. Sec. 3. And be it further enacted, That every constable who shall demand and receive any fee or compensation, when by law he is not entitled to any, or shall demand and receive more than is allowed by law, shall forfeit and pay to the party injured, three dollars for every offence: and shall moreover be liable to double the sum so improperly received; to be recovered on motion, in the court of the county where such constable has been appointed, against him and his security or securities, his, her or their executors or administrators, by motion, on ten days previous notice.

Commencement. Sec. 4. This act shall be in force from the passing thereof.

CHAPTER XX.

An ACT to amend the Act, entitled "An Act to reduce into one the several Acts concerning Mills, Mill-dams and other Obstructions of Water-courses.

[Passed January 12th, 1807.]

tions, &c. Section 1. BE it enacted by the General Assembly, That where any person owning lands on one side of a water-course, the middle of the bed whereof shall be the dividing line between the lands of himself and any other person or persons, shall desire to build a water grist-mill or other machine or engine useful to the public, on his said land, and to erect a dam across the same for working such mill, machine or engine, and shall not himself have the fee simple property in the lands on the opposite side of such water-course, against which he would abut his dam, he shall make application for a writ of ad quod damnum, to the court of the county wherein the lands proposed for the abutment are, having given ten days previous notice to the proprietor thereof, if he be to be found in the county, and if not, then to his agent therein, if any he hath; whereupon such proceedings shall or may be had, as would have been authorised or required by law, in case the whole bed of such water-course, at the time of the said application, belonged to the person desiring to build such mill, machine or engine, or to the commonwealth.

Restrictions on millers. Sec. 2. And be it further enacted, That the ninth section of the act to which this is an amendment, with the proviso thereto, shall be and the same is hereby repealed. And all millers shall well and sufficiently grind the grain brought to their mills for the usual consumption of the persons bringing the same, and their families, and in due turn as the same shall be brought; and may take for the toll one eighth part and no more of all grain of which the remaining part shall be ground into meal, and one sixteenth part and no more of all grain of which the remaining part shall be ground into hominy or malt. And every miller, or occupier of a mill, who shall not well and sufficiently grind as aforesaid, or not in due time as the same shall be brought, or take, or exact more toll, shall, for every such offence, forfeit and pay two dollars and fifty cents to the party injured, recoverable with costs, before any justice of peace of the county where such offence shall be committed. And where the miller shall be an indented servant, or slave, he shall, upon the first conviction for such offence, receive ten lashes; and upon a second conviction, twenty lashes on his or her bare back well laid on in lieu of the forfeiture aforesaid; but, upon a third conviction, the master of such servant or slave, or his overseer, or agent, shall be liable to pay two dollars and fifty cents; and so for every such offence by such servant or slave afterwards committed: Provided, that every owner or occupier of a mill shall have a right at any time to grind his or her own grain for the consumption of his or her family. And provided also, that no miller shall be obliged to run more than one pair of stones, for the purpose of grinding grain brought to his mill for the consumption of the persons bringing the same and their families.

Proviso.

Commencement.

Sec. 3. This act shall be in force from the passing thereof.

C H A P T E R XXI.

An ACT concerning the Abatement of Suits, and Executors and Administrators.

[Passed January 13th, 1807.]

Section 1. BE it enacted by the General Assembly, That where any action at law or suit in equity is now, or shall be depending in any court of this commonwealth, and either of the parties shall die before final judgment or decree be had, such action or suit shall not abate, if the same were originally maintainable by, or against, an executor or administrator: But the plaintiff, or, if he be dead, his executor or administrator, shall and may have a scire facias against the defendant, or, if he be dead, then against his executor or administrator, to shew cause generally why such action or suit should not be proceeded in to a final judgment or decree; and if such executor or administrator, upon the return of a scire facias executed, shall neglect or refuse to enter his or her appearance to the suit, the court may proceed to a final judgment or decree therein, in the same manner as if such executor or administrator had entered his or her appearance. And if the executor or administrator shall appear to the suit, upon the return of such scire facias executed, or if, without a scire facias, he or she shall voluntarily enter himself or herself defendant to such suit, then, and in either case, such executor or administrator shall have liberty to plead de novo to the plaintiff's action, every such plea or pleas as an executor or administrator may lawfully plead; or as the deceased party might, or could have pleaded, if he or she had lived. And if such executor or administrator should not desire to plead de novo, or if no issue shall have been joined, or pleadings entered before the death of his or her testator or intestate, or if any interlocutory judgment or decree shall have been entered in the lifetime of the deceased party; and the executor or administrator shall refuse to plead, or shall not desire to set aside the interlocutory judgment or decree, the court shall proceed to a final judgment or decree for or against the executor or administrator, in the same manner as if the original writ had been issued against him or her as an executor or administrator. And the cause shall remain in its place on the issue or appearance docket, as the case may be: But the defendant, being an executor or administrator, shall be entitled to a continuance until the next term after that to which a scire facias shall have been returned executed, or at which he or she shall have voluntarily entered himself or herself a defendant. Provided, that no executor or administrator shall be liable to answer any debt or damages, out of his or her own estate, beyond the assets, which may have come to his or her hands, in consequence of any false pleading, mispleading or non-pleading, in any action now depending, or which hereafter may be brought or prosecuted against him, her or them, in any court within this commonwealth. But nothing in this act contained, shall be so construed, as to prevent the court, in which any such suit is tried, from rendering judgment as heretofore, when it shall be found that the defendant hath sufficient assets, or for so much as shall be found to be in his hands.

Regulations as to abatement of suits.

As to conduct of executors and administrators.

Proviso.

Repealing clause.

Sec. 2. All acts or parts of acts coming within the purview of this act, shall be and the same are hereby repealed.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Commencement.

C H A P T E R XXII.

An ACT to amend an Act for reducing into one Act the several Acts concerning the Court of Appeals.

[Passed January 14th, 1807.]

Section 1. BE it enacted by the General Assembly, That the vacancy which has recently occurred in the court of appeals, by the resignation of Paul Carrington of his office of judge in that court, shall not be supplied by the appointment of a successor: And that the said court shall hereafter consist of four judges, any three of whom shall constitute a court, until a vacancy shall again occur by the death or resignation of one of the four remaining judges; after which event, the said court shall consist of three judges, any two of whom shall constitute a court, possessed of the same powers, jurisdiction and rights, as belong to the present court.

Vacancy by Carrington's signature to be supplied. Court to consist of four judges next vacancy. Then of the

Sec. 2. Be it further enacted, That the sum heretofore appropriated for the payment of the five judges of the said court, shall be equally divided among the four judges now remaining, until, according to the provisions of this law, the number shall be reduced to three; after which period, it shall be equally divided among the three judges then constituting said court. The said court shall hold three terms in every year; the first shall commence the first day of January and continue forty-five juridical days; the second shall commence the first day of June and continue thirty-six juridical days; the third shall commence the fifth day of October and continue forty-five juridical days; unless the business before them shall be sooner done. When any day of commencement shall be on a Sunday, such term shall commence on the succeeding day.

Sum heretofore appropriated to be divided amongst remaining judges.

Commencement and duration of its terms.

Sec. 3. No appeal shall hereafter be granted to any principal obligor or obligors, his, her or their security or securities; or their executors or administrators, on any judgment, or decree rendered or affirmed by any district court of common law or chancery awarding execution on any forthcoming bond; but such person or persons may obtain a writ of error or supersedeas as heretofore.

Limitation of the right of appeal in certain cases.

Sec. 4. No appeal from any decree pronounced in any of the superior courts of chancery, or any writ of error or supersedeas, shall hereafter be granted by the court of appeals in court; but the judges, or any one of them, either in vacation or during the terms of said court, shall have power to grant any such appeal, writ of error or supersedeas, under the regulations heretofore prescribed by law.

No writ of error or supersedeas to be granted in open court.

Sec. 5. This act shall commence in force from the passing thereof.

Commencement.

C H A P T E R XXIII.

An ACT concerning the Proceedings in Chancery, and for other purposes.

[Passed January 15th, 1807.]

Section 1. BE it enacted by the General Assembly, That the judges of the chancery dis-

Chancellors may

Direct accounts to district courts may direct an account to be taken in any cause depending in their respective courts, in vacation, whenever such account would be directed if the court was in session.

Commissioner may state any doubt in writing to the chancellor. And whenever a commissioner engaged in taking an account in vacation, shall doubt as to the principles on which the account should be taken, or shall doubt of the propriety of admitting any item of debit or credit, contended for by a party, the commissioner may state in writing the points on which he shall doubt, and submit the same to the judge in vacation, who may thereupon decide the question or questions so submitted to him, and the commissioner shall govern himself accordingly; but on such points submitted, no judge shall hear any arguments of counsel, except by consent of parties.

No appeal till final decree, certain cases excepted.

Record of appeal not filed before during second term, cause to stand dismissed with costs with, out good cause shewn.

Defendant to file his answer with, in 3 mon hs af- ter bill filed.

Suit against ab- sent defendant court may direct publication in newspaper.

Richmond chan- cery terms to commence on 1st May & 5th Sep- tember.

Com'rs. in chan- cery, how to charge and how their fees to be collected.

ain allowan- to clerks of chancery courts.

commencement.

Sec. 2. No appeal shall be hereafter granted in any cause in chancery, until a final decree is pronounced, unless where the court in which any such cause is or may be depending, shall think necessary to prevent a change of property under an interlocutory decree, and before the final decree can be pronounced.

Sec. 3. If either party shall hereafter enter an appeal from any decree pronounced in any of the inferior courts of this commonwealth, to any of the superior courts of chancery, and shall fail to file the record with the clerk of such superior court before or during the second term of such court after the same shall have been granted, such appeal shall be dismissed with costs, unless good cause be shewn to the contrary, in which case the same may be docketted and heard as if the record had been filed in proper time.

Sec. 4. And be it further enacted, That if the defendant in any suit in a chancery district court, does not file his answer within three months after the plaintiff shall have filed his bill, having also been served with the subpoena at least three months before the said time for filing his answer, the plaintiff may proceed to take his bill for confessed, and proceed in the same manner as in the case of an attachment returned executed.

Sec. 5. And be it further enacted, That in suits against absent defendants in the courts of this commonwealth having chancery jurisdiction, it shall and may be lawful for the court in which any such suit is or shall be depending, to direct publication to be made in any newspaper printed within this commonwealth, the circulation of which in their opinion is best calculated to apprise the absent defendant or defendants of the pendency of such suit.

Sec. 6. And be it further enacted, That the terms of the chancery district court held at Richmond in the months of May and September, shall hereafter commence on the first day of May and fifth day of September in every year, unless the same shall happen on Sunday, in which case the same shall commence on the succeeding day.

Sec. 7. Be it further enacted, That the commissioners in chancery shall be authorised to charge for copies of reports, or such other papers as the parties in the suits referred to them may require, the same fees as the clerks of the respective courts from whence they receive their appointment are authorised by law to charge for similar services; and that their tickets for the same shall be collected by the sheriffs and sergeants and accounted for by them in the same manner, and under the like penalties, as the fees of the said clerks: Provided, such charges shall be confined to the services for which no allowance is or shall be made by the rules of the respective courts establishing the fees of their commissioners; and such fees being certified to the respective clerks, shall be charged in the bills of costs, if the same would have been so chargeable in case the same services had been performed by such clerks. And every commissioner, for asking, demanding or receiving any other, or further fees for services performed than those allowed by law, or for asking, demanding or receiving any fees for services not performed, shall be liable to the same penalties and proceedings as clerks of courts are liable to in the like cases.

Sec. 8. Be it further enacted, That the clerks of the several chancery district courts in this commonwealth shall be allowed the same fees for issuing executions and taxing damages and costs, or for taxing damages and costs where no execution is issued, on decrees entered on appeals, as by law are allowed to the clerks of the common law district courts for similar services.

Sec. 9. This act shall commence and be in force from and after the first day of April next.

CHAPTER XXIV.

An ACT to amend an Act concerning Grand Juries, Petit Juries and Veniremen.

[Passed January 15th, 1807.]

Additional allow- ance to venire- men.

Proviso.

Certain allowan- ces heretofore made to venire- men to be paid. Commencement.

Section 1. BE it enacted by the General Assembly, That the district courts shall have power to make an allowance not exceeding one dollar and twenty-five cents per day, to each venireman, who shall hereafter be impanelled and sworn in any criminal case triable before said courts, for every day they shall be detained upon such trial, after the first day, in addition to the allowance now made by law: Provided, the court, from the circumstances of the case, shall deem it proper that such allowance ought to be made; and on the same being certified to the auditor of public accounts, he is hereby authorised and required to liquidate and adjust the said claims, and grant warrants on the treasury to the respective claimants, for the amount of their claims.

Sec. 2. And be it further enacted, That all allowances heretofore made by the said courts for expenses incurred in supporting venires detained upon criminal trials, shall, on being certified to the auditor, be liquidated and paid as aforesaid.

Sec. 3. This act shall be in force from the passing thereof.

CHAPTER XXV.

An ACT giving power to the county courts to establish Ferries, and to regulate the Rates of Ferriage.

[Passed January 17, 1807.]

Power given to county courts to establish ferries

Person wishing to establish a fer-

Sec. 1. BE it enacted by the General Assembly, That when any person or persons shall own the land on both sides of any water course through which a public road is or shall be established, and shall desire to keep a ferry across such water course, he, she or they, shall make application to the court of the county wherein the said land lieth, who shall order the

riff to impannel a jury of twelve disinterested freeholders, who shall view the place proposed for keeping such ferry, being first sworn, and on their oaths say, whether in their opinion, public convenience will result from the establishment of such ferry. The jury shall certify their opinion under their hands, and deliver it to the sheriff, who shall return it to the court, who thereupon, as well as upon any other evidence that may be offered, shall have full power to establish such ferry, and fix the rates for passing the same, observing that the rate for a man be the same as for a horse, for every wheel of a carriage the same as for a horse, for each head of neat cattle the same as for a horse, and for each hog, sheep or goat one fifth part of the rate for a horse.

Restrictions as to rates of ferri-
age.

Sec. 2. No such ferry shall be established unless the applicant shall have previously advertised his intentions, and the time of application, at the door of the courthouse, on two several court days.

Person applying to advertise his intentions.

Sec. 3. The like proceedings shall be had where the person or persons who shall desire the establishment of a ferry, shall own the land on one side of the water course only.

Similar proceedings where applicant owns land on one side of a stream.

Sec. 4. And be it further enacted, That if any person or persons shall desire to establish a ferry over any stream or water course, which now is, or hereafter may be, the division line between any two counties, such person or persons shall make application to the court of one of the counties bounded by such water course, under the regulations herein before prescribed, and such court shall proceed in the manner herein before directed. And if, upon the return of the inquisition of the jury, such court shall be of opinion that public convenience will be promoted by the establishment of such ferry, they shall certify the same, and the rates of ferriage they think proper to be allowed, to the court of the other county, bounded by such water course, who shall thereupon proceed as herein before directed. And if, upon the return of the inquisition, such court shall be of opinion, all circumstances considered, that it is expedient to establish such ferry, the same shall from thenceforth be established: Provided, that the applicant shall advertise his intention to apply to such last mentioned court, and the time of his application, at the door of the courthouse of such county, on two several court days.

How to proceed where stream di-
vides 2 counties.

Sec. 5. And be it further enacted, That if any person or persons shall own a ferry now established by law, or hereafter to be established under the provisions of this act, and shall conceive that the rates of ferriage are insufficient, such person or persons may make application to the court of the county wherein such ferry is situated, who are hereby authorised and empowered to hear such application; and, if it shall appear to them, all circumstances considered, that it is just that the rates of ferriage should be increased, they may establish such new rates, as in their opinion, shall be deemed equitable. And where such ferry shall be on any water course, which is the boundary between two counties, the consent of the courts of both counties shall be obtained; without which no increase of ferriage shall be allowed: Provided, that no court shall allow or consent to any increase of ferriage, unless it shall appear to them that the intention of the applicant and the time of his application has been advertised on two several court days, at the door of the courthouse of such county.

Courts may raise rates of ferriage.

Proviso.

Sec. 6. Where any person or persons shall think himself, herself or themselves, aggrieved by the judgment of any county court, on an application for the establishment of a ferry, or for an increase in the rates of ferriage, he, she or they may enter an appeal from such judgment, to the next court to be holden for the district within which such county is.

Person aggrieved by judgment county court: appeal to dist. court.

Penalty on o-
wers or keeper
ferries for mis-
conduct.

Sec. 7. And be it further enacted, That if any owner or keeper of a ferry, which is or may hereafter be established according to law, upon due application to him made, by any person, to be set over by such ferryman, every such owner or keeper of a ferry, refusing to set over such person in a reasonable time after such application being made, shall forfeit and pay the sum of two dollars for every such refusal, to be recovered by warrant before any justice of the peace for the county or corporation wherein such offence may be committed, the one half to the use of the informer, and the other half to the use of the poor of the precinct wherein such offence may be committed.

Sec. 8. Provided, nevertheless, that if it shall appear to the satisfaction of the justice of the peace, before whom such warrant shall be returned, that from the cause of wind, rise of water, driving of ice, or other good cause in such water course, over which such ferry may be established, that the life of such owner or keeper would have been in danger, then such owner or keeper shall not incur the penalty aforesaid.

Proviso.

Sec. 9. The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of the act, entitled, "An act reducing into one the several acts, for the settlement and regulation of ferries," passed the twenty sixth day of December, one thousand seven hundred and ninety two, shall apply to all ferries to be established by virtue of this act, in like manner as if the same were enumerated in the said recited act.

Certain parts of the law regulating ferries to apply to this act.

Sec. 10. And be it further enacted, That the whole of the acting magistrates within the respective counties, to whose courts any application may be made for the establishment of a ferry, or for the increase of the rates of ferriage, under the provisions of this act, shall be summoned by the sheriff, and a majority of them shall be present to act on such application.

All the magis-
trates to be sum-
moned, and a ma-
jority necessary
to act under this
law.

Fees to the offi-
cers.

Sec. 11. The sheriffs and clerks shall be allowed for all services required in this act to be performed by them, the fees allowed in similar cases, to be paid by the person for whom the services shall be rendered.

Commencement.

Sec. 12. This act shall commence and be in force from and after the passing thereof.

Commencement.

CHAPTER XXVI.

An ACT concerning the attendance of Witnesses in the Inferior Courts.

[Passed December 19th, 1806.]

Witnesses' at-
tendance in county,
may be entered
as in distinct
courts.

Section 1. BE it enacted by the General Assembly, That in future the clerks of the county and corporation courts within this commonwealth, shall be, and they are hereby required and empowered to administer the necessary oaths, and to receive and enter the attendance of witnesses attending the said courts, and to grant certificates or orders therefor, in like manner as the clerks of the district courts now do, as to witnesses attending those courts.

Sec. 2. This act shall be in force from and after the first day of March next.

Commencement.

CHAPTER XXVII.

An ACT to amend an Act to continue and amend an Act for further continuing and amending the Act, entitled "An act for reducing into one the several Acts concerning Executions, and for the relief of Insolvent Debtors."

[Passed January 19th, 1807.]

Preamble.

WHEREAS the tenth section of the act, "To continue and amend an act, for further continuing and amending the act, entitled an act for reducing into one the several acts concerning executions, and for the relief of insolvent debtors," hath been found to operate unequally and injuriously, by allowing the same compensation to sheriffs or other officers, for supporting slaves and live stock taken in execution or by attachment, at all seasons of the year and in every part of the commonwealth, when the means of their sustenance fluctuate with the seasons and are of different value in different situations:

County courts in May & Oct. eve. ry year to settle allowance to she. riffs for keeping stock, &c. taken under execution.

Section 1. BE it therefore enacted by the General Assembly, That the county and corporation courts within this commonwealth, shall be, and they respectively are authorised and empowered, in the months of May and October in each and every year, to settle and adjust the compensation to be allowed to sheriffs or other officers within their respective counties, for supporting slaves or live stock taken by any writ of attachment or execution, till the same be sold or otherwise legally discharged from such attachment or execution; Provided, the allowance so made shall not exceed twenty cents per day for each slave, seventeen cents per day for each horse or mule, nine cents per day for each head of horned cattle or hog, and six cents per day for every sheep or goat; which allowance, so adjusted and settled, shall be by the sheriff or other officer, performing the duty, charged, collected and paid, in the same manner, and by the said party, as is directed by the aforementioned act.

Person put in prison to have benefit of bounds for one year only.

Sec. 2. And be it further enacted, That if any person or persons taken or charged in execution, shall enter into bond, with good and sufficient security, under a reasonable penalty, upon condition that he, she or they shall not depart or go out of the rules or bounds of the prison, to which he, she or they be committed, it shall be lawful for the sheriff or other officer in whose custody such prisoner or prisoners shall be, to permit him, her, or them to go out of the prison and return again at pleasure during one year after the date of such bond; after the expiration of which time, if the person or persons so taken or charged in execution shall not be discharged by due course of law, it shall be the duty of the sheriff, or other officer to whose custody such person or persons were committed, to recommit him, her, or them to close jail and confinement, from which such person or persons shall not thereafter be discharged until the debt or demand for which he, she or they were taken or charged in execution shall be paid; or until he, she or they shall have taken and subscribed the oath and schedule, and shall have made the delivery or transfer of his, her or their property required by law for the discharge of insolvent debtors.

Commencement.

Sec. 3. This act shall commence and be in force from and after the first day of May next.

CHAPTER XXVIII.

An ACT concerning District Courts, and concerning the Assignors of Bonds, Bills and Obligations.

[Passed January 19, 1807.]

Section 1. BE it enacted by the General Assembly, That whosoever from any cause it shall so happen that the regular session of the General Court shall not be holden, so that an allotment of the districts among the judges shall fail to be made by that court, the several judges shall attend to hold courts in the several districts to which they were last allotted.

Sec. 2. And be it further enacted, That when any suit or action shall hereafter be removed from any county or corporation court, to any district court by writ of habeas corpus or certiorari, such cause shall be placed in the same situation in such district court as it stood in the inferior court when such writ of habeas corpus or certiorari was delivered. And it shall be the duty of every such district court to proceed to a final judgment in the manner such inferior court ought to have done, without any new pleadings, unless the same would have been proper if such suit had remained in the inferior court.

Assignee may recover from any previous assignor.

Proviso:

Sec. 3. And be it further enacted, That the assignee or assignees, his, her or their executors or administrators, of any bill, note or obligation, shall hereafter be entitled to recover from any previous assignor or assignors, his, her or their executors or administrators: Provided, that in any suit brought against a remote assignor or assignors, his, her or their executors or administrators, he, she or they shall be subject only to such recovery, and shall have the benefit of the same defence as if the suit had been instituted by the immediate assignee or assignees. And provided also, that no joint action shall be commenced or prosecuted against any two or more persons, unless where they shall be joint assignors. But nothing in this act contained shall be so construed as, in any manner, to abridge or destroy any rights which indorsees of bills of exchange, or assignees of bonds, notes and obligations now are entitled to by law.

Commencement of term in Richmond district.

Sec. 4. And be it further enacted, That the court directed to be holden in the city of Richmond, for the district composed of the counties of Henrico, Hanover, Chesterfield, Goochland, and Powhatan, shall hereafter commence on the twenty eighth day of March and twenty eighth day of August in every year, and continue, if business requires, fifteen judicial days. If any of the said days should happen on a Sunday, such court shall commence on the succeeding day.

Commencement.

Sec. 5. This act shall commence and be in force from and after the first day of April next.

CHAPTER XXIX.

An ACT for Paying the Officers of the General Assembly for their services during the present session.

[Passed January 20, 1807.]

Allowance to officers of the General Assembly.

Section 1. BE it enacted by the General Assembly, That the allowance to the officers of the General Assembly, for their services during the present session, shall be as follows: to the

clerk of the House of Delegates, one hundred and forty-five dollars per week; to the clerk of the Senate, Seventy-two dollars and fifty cents per week; to the clerk of the committee for courts of justice, forty dollars per week; to the clerk of the committee of propositions and grievances, forty dollars per week; to the clerk of the committee of privileges and elections, and of claims, forty dollars per week; to the sergeants at arms of the Senate, and House of Delegates, each thirty-seven dollars per week; to each of the door-keepers of the Senate and House of Delegates, twenty one dollars per week; to Thomas Ritchie for printing the Journals of the Senate, two hundred and seventy-five dollars; and to the person who cleans the capitol, twenty dollars.

Sec. 2. This act shall be in force from the passing thereof.

Commencement.

C H A P T E R XXX.

An ACT concerning the Distribution of Public Arms.

[Passed January 21st, 1807.]

Section 1. BE it enacted by the General Assembly, That it shall be the duty of the Executive to distribute the public arms now on hand, in the capitol, barracks and armory, and which shall be hereafter manufactured, by forwarding them to the colonel commandant of each regiment, so as that there shall not remain at any time undistributed a greater number than three thousand muskets, one hundred and fifty rifles, one hundred and fifty pistols, and one hundred and fifty swords.

Executive to distribute public arms.

Sec. 2. The arms remaining undistributed shall be kept in the armory.

Arms to be kept in armory.

Sec. 3. It shall be the duty of the executive, after arming the militia of the towns of Richmond, Norfolk, Fredericksburg, Hampton and Petersburg, and the counties of Henrico, Chesterfield, Dinwiddie and Norfolk, according to the provisions hereafter mentioned, to distribute arms to every regiment in the commonwealth, in proportion to its strength.

Certain towns and counties to be armed.

Sec. 4. A receipt shall be taken from every colonel for the arms delivered to him, and he shall be answerable to the state for the value thereof, unless he delivers the same over to the commanding officers of battalions.

Colonels to give receipts for arms.

Sec. 5. The commanding officers of battalions shall be answerable to the state unless he delivers the same over to the commanding officers of companies.

Majors, when liable for arms.

Sec. 6. The commanding officers of companies shall be answerable to the state for the value of the arms received, unless they distribute them as hereafter is provided.

Captains, when liable.

Sec. 7. There shall be delivered to every freeholder and responsible house keeper, arms for himself, if he is on the militia roll, and for every son he may have who is on the militia roll, and a member of his family. There shall also be delivered to every militia man, who is not a freeholder or responsible house keeper, arms for himself, if a freeholder or responsible house keeper will join him in a receipt for the same.

What persons to be armed.

Sec. 8. In the future distribution of the public arms, the light companies shall be armed by entire companies, in the first place with the arms which have been or shall be manufactured for the light infantry, and the rifle companies with rifles; and the arms now in the hands of the said light companies shall, in that event, be distributed amongst the body of the militia.

Light companies, how to be armed.

Sec. 9. In case of loss of arms, satisfaction for the same, to be awarded by the courts martial, shall be made by the person or persons who shall have received the same, to the commonwealth, at the following prices; for a musket, twenty dollars; for a ramrod, one dollar; for a bayonet, two dollars; for a cartouch box, two dollars; for a pistol, five dollars; for a sword, ten dollars; for a pair of holsters, five dollars, and for a rifle, thirty dollars.

Loss of arms how to be compensated for.

Sec. 10. If any militia man, or other person, shall sell, buy or give away, any part of the public arms, or carry the same out of the bounds of his regiment, with intent to defraud the commonwealth, he shall be considered as guilty of a misdemeanor, and being convicted thereof at any time within five years, on information or indictment, in any county or district court, shall be amerced in a sum not exceeding fifty dollars, and imprisoned for a term not exceeding twenty days, at the discretion of the jury.

Penalties on offenders.

Sec. 11. Be it enacted, That each non-commissioned officer or private, who shall have been or may be armed by the public, shall be fined fifty cents for each article of his accoutrements which shall be out of order; and it shall be the duty of the captain or commanding officer of every company armed as aforesaid, to note down at every muster, each and every breach of this law, and make report of the same to the battalion court of enquiry.

Fines for not keeping arms, &c. in order.

Sec. 12. Be it further enacted, That it shall be the duty of every captain, in the hands of whose company, there are or may be public arms, at the next April muster, and at every subsequent muster, to examine the same, and make report of such arms as are out of order, to the colonel commandant, whose duty it shall be to have the same repaired, the expense of which, shall, by order of the colonel, be paid out of the militia fines of the regiment; or any money in the treasury proceeding from militia fines, not heretofore appropriated.

Captains to examine arms and make report.

Sec. 13. The executive shall cause such public arms in the city of Richmond, as need repair, and are worth repairing, to be immediately repaired at the armory.

Executive to have arms repaired.

Sec. 14. It shall be the duty of all militia officers, justices of the peace, sheriffs, sergeants and constables, to seize all arms, that they shall have cause to believe belong to the state, and are sold, given or carried away as aforesaid; and if any suit is brought against any such officer, for any such seizure, the onus probandi shall lie on the plaintiff, and the officer shall not pay any costs.

Duties of officers, &c. to prevent loss of arms.

Sec. 15. If any commanding officer of the company shall observe the arms in possession of any non-commissioned officer or private thereof to be injured or kept in bad order, he shall report the same to the next battalion court of enquiry, who shall assess a fine on such non-commissioned officer or private, of not less than two, nor more than twenty dollars, and he may at his discretion seize and take away such arms.

Fine for arms being in bad order.

Sec. 16. Any freeholder or house keeper, not being a quaker, dunker or menonist, refusing to receive public arms when tendered to him, shall forfeit twenty dollars for every refusal, to be assessed by the battalion court of enquiry, and it shall be the duty of the officer to repeat the tender of such arms from time to time, as shall be convenient.

Quakers, Menonists and Dunkers not compelled to receive arms.

Preamble.

Sec. 17. Nothing in this act shall be construed to prevent arming the militia by entire companies.

Commencement.

Sec. 18. This act shall be in force from the passage thereof.

C H A P T E R XXXI.

An ACT concerning the Public Guard, and for other purposes.

[Passed January 22d, 1807.]

Act establishing
guard repealed.

Section 1. BE it enacted by the General Assembly, That the act " For continuing a guard in the city of Richmond," passed the seventeenth of January, eighteen hundred and four, shall be and the same is hereby repealed.

Executive to ap-
point persons to
sell provisions, &c.

Sec. 2. And be it further enacted, That the Executive be authorised to appoint some proper person to sell at auction, all the provisions, clothing and other materials on hand, purchased for the use of the said guard, who upon paying the proceeds of such sales into the treasury, shall for his trouble receive such compensation as the Executive may deem to be adequate.

Person so ap-
pointed to give
bond, &c.

Section 3. And be it further enacted, That the person so appointed to sell as aforesaid, shall give bond with approved security to the Governor and his successors, to pay the amount of the said sales, into the public treasury, within a time to be limited by the Executive, and if the person so appointed shall fail to make the payment as aforesaid, a speedy remedy shall be had, by way of motion against him and his security on the said bond, in any court of record in this commonwealth, for the recovery of the amount of the said sales, with interest thereon and costs, provided the obligor and his security, or such of them as judgment shall pass against, shall have had ten days notice of such motion.

Governor au-
thorised to offer
barracks to trus-
tees of female a-
cademy

Sec. 4. And be it further enacted, That the Governor be authorised to offer to the trustees of the academy for female education in the city of Richmond, the use of the house formerly occupied by the public guard as barracks, until further provision concerning the same be made by the Legislature.

Executive may
dismiss officer for
good cause.

Sec. 5. And be it further enacted, That at any time before the commencement of this act, the Governor with the advice of Council, is hereby authorised and empowered to dismiss from service any commissioned officer of the said guard, who may be deemed incompetent to the discharge of his duty, or who may be guilty of conduct unbecoming the character of an officer; and to supply any vacancy created by such removal.

Commencement.

Sec. 6. This act shall commence and be in force from and after the first day of January next.

C H A P T E R XXXII.

An ACT granting to Alexander Burton the duplicate of a lost Certificate.

[Passed December 17th, 1806.]

Preamble.

Duplicate certi-
ficate granted to
Burton.

Commencement.

WHEREAS it appears that Robert Burton, one of the executors named in the last will and testament of William Burton, deceased, did on the seventeenth day of May, one thousand seven hundred and eighty, pay into the public treasury of this state, the sum of thirty-one hundred and ninety-three dollars, to be applied to his credit in account with James and Robert Donald and company, British subjects, according to the sequestration law; that the original receipt was lost; and it was afterwards advised by the Executive that a new one be given, which being also lost, the treasurer was not at liberty to issue a new certificate.

Section 1. BE it therefore enacted by the General Assembly, That the treasurer shall be, and he is hereby authorised and required to settle and liquidate the sum so deposited by the said Robert Burton, executor as aforesaid, and to grant to Alexander Burton, executor of Jesse Burton, deceased, who was the acting executor of William Burton, deceased, a certificate therefor, in the same manner as is directed by the act, entitled " An act making provision for the repayment of monies paid into the treasury, in pursuance of an act for sequestering British property, enabling those indebted to British subjects to pay off such debts, and directing the proceedings in suits where such subjects are parties," upon the said Alexander Burton, executor as aforesaid, giving bond and security to indemnify the commonwealth against any damage which may accrue from the issuing thereof.

Sec. 2. This act shall commence from and after the passing thereof.

C H A P T E R XXXIII.

An ACT altering the Court day of Caroline County.

[Passed December 17th, 1806.]

Court day of Ca-
roline changed to
2d Monday.

Commencement.

Section 1. BE it enacted by the General Assembly, That henceforward the court of Caroline county shall be holden on the second Monday in every month, instead of the times at which it has heretofore been holden; and that shall be the return day of all process which shall be issued from the said court.

Sec. 2. This act shall commence and be in force from and after the first day of May next.

C H A P T E R XXXIV.

An ACT making an appropriation for the payment of a public debt due to the Representative of Doctor Thomas Walker, deceased.

[Passed December 17th, 1806.]

Sum of money
paid representa-
tive Dr. T. Wal-
ker.

Section 1. BE it enacted by the General Assembly, That the sum of three thousand five hundred and twenty nine dollars and fifty-seven cents, of any money now in the public treasury, shall be and is hereby appropriated to the payment of a claim, which, by a decree pronounced by the high court of appeals on the tenth day of November last, hath been decided in favor of Hugh Nelson, executor of Francis Walker, deceased, who was executor of Thomas Walker, deceased, against the commonwealth.

C H A P T E R XXXV.

An ACT establishing several Inspections of Tobacco.

[Passed December 17th, 1806.]

Section 1. BE it enacted by the General Assembly, That inspections of tobacco shall be, and they are hereby established at the following places, that is to say: on the lot of Rowland Jones, lying in the north-west end of the town of Lynchburg, to be called and known by the name of Planter's warehouse; on the lot of William Davis, lying on a square adjoining Water street in the said town of Lynchburg, to be called and known by the name of Friend's warehouse; on the lot of William Prentis, lying at the upper end of Walnut street, near the Oaks, in the town of Petersburg, to be called and known by the name of the Oaks' warehouse; on the lot of William C. Boswell, adjoining the lots of Samuel Davis and Conrad Webb, on the south side of High street, in the said town of Petersburg, to be called and known by the name of Boswell's warehouse; and on the land of Samuel Woodson, at or adjoining the courthouse of the county of Goochland, to be called and known by the name of Goochland warehouse.

Inspections es-
tablished on the
land of Ro: Jones
& Wm Davis at
Lynchburg.

Sec. 2. There shall be allowed and paid annually to each of the inspectors of the said warehouses in the town of Lynchburg and county of Goochland, the sum of two hundred and fifty dollars for their salary; and to each of the inspectors of the said warehouses in the town of Petersburg, the sum of three hundred and thirty-three dollars and thirty-three cents for their salary: Provided always, that if the quantity of tobacco inspected at each of the said warehouses, shall not be sufficient to pay the usual charges, and the inspectors' salaries, the deficiencies shall not be paid by the public.

Sec. 3. The duty on tobacco inspected at the said warehouses, shall be the same, and collected, accounted for and paid in like manner as is directed and prescribed by law for other tobacco inspections.

Of W. Prentis &
W C Boswell in
Petersburg.

Of S Woodson
in Goochland.

Sec. 4. The proprietors of the said warehouses shall erect at their own expense, sufficient houses for the reception of tobacco, to be built of brick or stone, and covered with slate or tile, and so soon as the same shall be completed, the courts of the counties in which they respectively lie, shall recommend fit persons to be commissioned inspectors thereof.

Inspectors' sala-
ries.
Proviso.

Sec. 5. No person shall be obliged to receive any notes for tobacco passed at the warehouses hereby established, in discharge of any tobacco contract heretofore entered into.

Duties on to-
bacco.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

Warehouses to be
built of brick or
stone, and covered
with slate or
tile.

Notes not receiv-
able for prior
contracts
Commencement.

C H A P T E R XXXVI.

An ACT for adding part of the County of Russell to the County of Tazewell.

[Passed December 18th, 1806.]

Section 1. BE it enacted by the General Assembly, That all that part of the county of Russell, within the following bounds, to wit: beginning on the top of Clinch mountain at the head of Cove creek on the line dividing the counties of Russell and Tazewell, and to run a straight line from thence to Jacob Francisco's mill, from thence a direct line to Daniel Horton's, (including his dwelling house in Tazewell) from thence a straight line to the mouth of Cole creek, and to extend on the same direction till it intersects the line which divides the state of Virginia from Kentucky; shall be, and it is hereby added to, and made a part of the county of Tazewell.

Part of Russell
added to Taze-
well.

Sec. 2. It shall be lawful for the sheriff of the said county of Russell to collect and make distress for any public dues or officers' fees which shall remain unpaid by the inhabitants of that part of the said county, hereby added to the county of Tazewell, and shall be accountable for the same in like manner as if this act had not been made.

Sheriff of
to colle-
dues, &c.

Sec. 3. This act shall commence and be in force from and after the first day of May next. Commencement.

C H A P T E R XXXVII.

An ACT concerning James Johnson.

[Passed December 20th, 1806.]

WHEREAS it appears that James Johnson, whilst acting as sheriff of Pittsylvania, did, in the year one thousand eight hundred, overpay into the treasury, fifty eight dollars, twenty six cents, on account of militia fines, for which he has never been reimbursed, as appears by the auditor's certificate:

Preamb'e.

Section 1. Be it therefore enacted by the General Assembly, That the auditor of public accounts is hereby authorised and required to issue to James Johnson, a warrant on the public treasury, for the sum of fifty eight dollars, twenty six cents, to be paid out of any monies therein.

Warrant in fa-
vor James John-
son.

Sec. 2. This act shall commence and be in force from the passing thereof.

Commencement.

C H A P T E R XXXVIII.

An ACT concerning William Britton and William G. Payne.

[Passed December 20th, 1806.]

Section 1. BE it enacted by the General Assembly, That William Britton shall be entitled to receive from the public treasury, the sum of forty dollars, as compensation for the injury his horse sustained, when impressed in the service of the commonwealth, by the sheriff of Augusta county, to convey a criminal to the penitentiary house, and that the auditor of public accounts is hereby authorised and required to issue his warrant for the same, to be paid out of any monies therein.

Compensation al-
lowed to Wm.
Britton.

Sec. 2. And be it further enacted, That William G. Payne shall be entitled to receive from the public treasury, the sum of fifty five dollars, as compensation for the injury his horse sustained when impressed in the service of the commonwealth, by the sheriff of Monongalia county, to convey a criminal to the penitentiary house, and that the auditor of public accounts is hereby authorised and required to issue his warrant for the same, to be paid out of any monies therein.

To W. G. Payne.

Sec. 3. This act shall commence and be in force from the passing thereof.

Commencement.

C H A P T E R XXXIX.

An ACT concerning William Farris.

[Passed December 20th, 1806.]

Compensation
to Wm. Farris:

Section 1. BE it enacted by the General Assembly, That William Farris shall be entitled to receive from the public treasury, the sum of sixteen dollars, forty one cents, as compensation for his apprehending, keeping and delivering a lunatic to the sheriff of Campbell county, and that the auditor of public accounts is hereby authorised and required to issue a warrant for the same, to be paid out of any monies therein.

Commencement:

Sec. 2. This act shall commence and be in force from the passing thereof.

C H A P T E R XL.

An ACT concerning the Glebe Land of Martin's Brandon Parish.

[Passed December 20th, 1806.]

Act establishing
academy in Mar-
tin's Brandon par-
ish, repealed.

Money arising
from sale of glebe
land, how appro-
priated.

Section 1. BE it enacted by the General Assembly, That the act passed on the second day of January, one thousand eight hundred and one, entitled, "An act to establish an academy on the glebe land of Martin's Brandon Parish, in the county of Prince George," shall be and is hereby repealed.

Sec. 2. And be it further enacted, That the overseers of the poor of the said county of Prince George, shall be and hereby are authorised and required to dispose of the Glebe land aforesaid, and its appurtenances, and to apply the proceeds arising from the sale thereof, in the manner directed by the act passed on the twelfth day of January, one thousand eight hundred and two, entitled, "An act concerning the glebe lands and churches within this com- monwealth."

Commencement.

Sec. 3. This act shall be in force from and after the passing thereof.

C H A P T E R XLI.

An ACT for opening a Road from Point Pleasant, in the county of Mason, to Clarksburg, in the county of Harrison, and making certain appropriations therefor.

[Passed December 22d, 1806.]

Preamble:

WHEREAS it is represented to this present General Assembly, that a road from Point Pleasant, in the county of Mason, to Clarksburg, in the county of Harrison, would be of great public utility: And whereas commissioners appointed by the courts of the said counties to view and mark out the best and nearest route for a road to pass as aforesaid, have reported that the distance from Point Pleasant, in the county of Mason, to Clarksburg, in the county of Harrison, and from thence to the city of Washington, may be considerably shortened by establishing the said road:

Section 1. Be it therefore enacted, that a public road be opened and improved from Point Pleasant, in the county of Mason, to Clarksburg, in the county of Harrison, under the direction of the courts of the said counties; and that the sheriff of each of the said counties be, and he is hereby authorised and required, to pay out of the arrearages of taxes due therefrom, the sum of two hundred and fifty dollars, to be applied by the said courts towards opening the said road.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

C H A P T E R XLII.

An ACT for the appointment of other Trustees of Abingdon Academy, and for other purposes.

[Passed December 22d, 1806.]

to be open
in Point
to
sburg
opriation
ement.

Office of trustee,
how vacated.

What number
necessary to trans-
act business.
Commencement.

Section 1. BE it enacted by the General Assembly, That it shall and may be lawful for two thirds, or any greater number, of the persons who have been appointed trustees of Abingdon academy in the county of Washington, to appoint fifteen other persons as trustees of the said academy, who shall have the same powers as the present trustees thereof.

Sec. 2. If any trustee of the said academy shall, for the space of six months successively, fail to attend a meeting of the trustees thereof, in case one shall have been held within that period, and reasonable notice given him of the time and place appointed therefor, it shall be lawful for the remaining trustees, or a majority of them, if they shall think fit, to declare the office or place of such absent trustee vacated, and to supply the vacancy thereby occasioned.

Sec. 3. Any five of the trustees already, or hereafter to be appointed, shall be sufficient for transacting any other business relative to the said academy.

Sec. 4. This act shall be in force from and after the passing thereof.

C H A P T E R XLIII.

An ACT for removing the District Court from the Sweet Springs in the County of Monroe, to the Town of Lewisburg, in the County Greenbrier.

[Passed December 22d, 1806.]

Commissioners to
be appointed.

Section 1. BE it enacted by the General Assembly, That the county court of Greenbrier shall appoint three commissioners, and the proprietor of the Sweet Springs an equal number, who, or any five of them, having taken an oath before some justice of the peace faithfully and impartially to execute the duties required by this act, shall proceed on or before the first day of May next, to value the jail and other buildings erected by the said proprietor for the use of the district court, or any officer thereof, taking into view the use to which such buildings, or any of them have been, or hereafter may be appropriated other than for the accommodation of the said court, or any of the officers thereof; and the said commissioners, any five or more being present, and a majority of those present concurring, having made such valuation,

shall certify the same under their hands and seals to the county court of Greenbrier, there to be recorded.

Sec. 2. And be it further enacted, That so soon as the amount of such valuation, made as aforesaid, collected by voluntary subscription or otherwise, shall be paid into the clerk's office of the said county of Greenbrier for the use of the proprietor of the Sweet Springs, or his legal representatives, it shall be the duty of the clerk of the said county of Greenbrier to certify the same to the next district court holden at the Sweet Springs; which court, on closing the term, shall adjourn to the town of Lewisburg in the said county of Greenbrier, at which place the said district court shall thereafter be holden.

Sec. 3. And be it further enacted, That if it shall so happen that the commissioners appointed as aforesaid disagree in opinion as to the value of such buildings, it shall then be lawful for them to appoint, by lot or otherwise, one other person, and the amount fixed by a majority, including such person, shall constitute the valuation which is to be certified and proceeded in as is herein before directed.

Sec. 4. And be it further enacted, That if the proprietor of the Sweet Springs shall fail to appoint commissioners on his part, or those appointed by him, or any of them, shall fail to attend, having reasonable notice of the time, it shall be lawful for the other commissioners, or any three of them, to make such valuation; and, in case of disagreement, they shall proceed as is herein before directed.

Sec. 5. And be it further enacted, That the district court holden at the Sweet Springs at the term to which the payment of the money into the clerk's office of Greenbrier county shall be certified as aforesaid, shall have power, and they are hereby authorised, to hear and determine any complaint made by either party against the proceedings of such commissioners; and if in their opinion, they have acted corruptly, partially or palpably unjust, they shall quash such valuation, and other commissioners shall be appointed and proceed in the valuation in the manner herein before directed.

Sec. 6. And be it further enacted, That the county court of Greenbrier are hereby authorised, if they deem it necessary, to levy money on their county for the purpose of carrying this act into effect; Provided that three-fourths at least of the acting justices in said county, concur.

Sec. 7. This act shall commence and be in force from and after the first day of February next.

Clerk of Greenbrier to certify payment.

When commissioners disagree, to choose another person.

Proviso in case failure to appoint commissioners.

Power of district court.

Court of Greenbrier to levy money, &c. Proviso.

Alteration: common hall court of hust of Fredericksburg.

Common coun cilmen, how elected.

Mayor & recorder, how chosen.

Vacancies in court & common hall, how supplied.

Qualifications of voters as heretofore.

Commencement.

CHAPTER XLIV.

An ACT concerning the Election of Members of the Court of Hustings and Common Hall of Fredericksburg.

[Passed December 24th, 1806.]

Section 1. BE it enacted by the General Assembly, That on the day appointed by law for the next annual election of members of the common hall of the town of Fredericksburg, the persons qualified by law to vote for the same, shall assemble and elect by ballot eight persons to act as justices of the peace for the said town, who shall continue in office during good behaviour; any three of whom shall have power to hold a court of hustings at the same time and under the same regulations as are now prescribed by law, except in cases of courts for the examination or trial of free persons, or slaves charged with felonies, in which cases five of the justices aforesaid shall be requisite to constitute a court. The said court to have the same powers and jurisdiction as heretofore, and the said justices to have the same rights and powers as were heretofore granted by law to the mayor, recorder and aldermen of the said town; with this restriction, however, that they shall not act as members of the common hall, nor be authorised to lay any tax for the support of a watch.

Sec. 2. And be it further enacted, That on the day aforesaid, and on the same day in every year thereafter, the persons qualified to vote as before mentioned, shall elect in manner aforesaid, twelve persons to serve as common councilmen of the said town, who may continue in office until the next annual election of common councilmen, and until others shall be qualified in their stead, and shall have and exercise all the powers and duties heretofore granted to, and exercised by, the mayor, recorder, aldermen and common councilmen of the said town, in common hall assembled.

Sec. 3. The common councilmen of the said town in common hall assembled, shall elect one of its members to act as mayor, and another as recorder. The mayor shall preside at its meetings, and sign the proceedings thereof; and when from any cause he shall be absent, the recorder shall preside in his stead.

Sec. 4. The mayor, or in his absence, the recorder, or any two members of the common hall, shall have power so often as they find occasion, to summon a common hall of the said town. In future, seven members shall be sufficient to hold a meeting of the common hall.

Sec. 5. Vacancies which may happen in the court of the said town, shall be supplied in the same manner that such vacancies in the county courts are supplied; and vacancies which may happen in the common hall, shall be supplied as heretofore.

Sec. 6. The qualifications which entitle persons to vote for, or be elected, members of the court of hustings, or common hall, shall remain unaltered by this act.

Sec. 7. This act shall be in force from and after the first day of March next.

CHAPTER XLV.

An ACT establishing an Inspection of Tobacco on the land of Thomas Lewis, in Albemarle County.

[Passed December 29th, 1806.]

Section 1. BE it enacted by the General Assembly, That an inspection of tobacco shall be, and the same is hereby established on the land of Thomas Lewis, near Moore's ford, in the county of Albemarle, to be called and known by the name of Charlottesville warehouse.

Sec. 2. There shall be allowed and paid annually to each of the inspectors at Charlottesville warehouse, the sum of one hundred and eighty dollars for their salary: Provided al-

Inspection to tobacco established on land T. Lewis.

Inspectors' salaries.

ways, that if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges, and the inspectors' salaries, the deficiencies shall not be paid by the public.

Duties on tobacco. Sec. 3. The duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for, and paid, in like manner as is directed and prescribed by law for other tobacco inspections.

Warehouse to be built of brick or stone, covered with slate or tile. Sec. 4. The said Thomas Lewis shall erect at his own expense sufficient houses for the reception of tobacco, to be built of brick or stone, and covered with slate or tile; and so soon as the same shall be sufficient, the court of the county of Albemarle shall recommend fit persons to be commissioned inspectors thereof.

Notes not receivable for prior debts. Sec. 5. No person shall be obliged to receive any notes for tobacco passed at the warehouse hereby established, in discharge of any contract heretofore entered into.

Commencement. Sec. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER XLVI.

An ACT altering the Court Days of several Counties.

[Passed December 26th, 1806.]

Mason quarterly session, time of, altered. Section 1. BE it enacted by the General Assembly, That in future a court of quarterly session for the county of Mason shall be holden in the months of April, June, September and December, and the courts of quarterly session for the county of Kanawha shall be held in the months of April, June, September and December, in every year, instead of the months heretofore appointed by law for holding the said courts.

Court of Wood and Greenbrier changed. Sec. 2. And be it further enacted, That the courts for the county of Wood shall be holden on the fourth Monday, and the courts of the county of Greenbrier, on the fourth Tuesday in every month, instead of the days now appointed by law.

Commencement. Sec. 3. This act shall be in force from and after the first day of May next.

CHAPTER XLVII.

An ACT authorising the erection of Flood-Gates across the Back-Creek in Norfolk Borough.

[Passed December 29th, 1806.]

Court of Norfolk boro' may cause to be erected lock or flood gate across back creek. Section 1. BE it enacted by the General Assembly, That the court of the borough of Norfolk shall be, and is hereby authorised to erect, or cause to be erected, at such place, in such manner, and upon such conditions as they shall think proper, one or more lock or locks, flood gate or flood gates, across the creek in the said borough which is called and known by the name of the Back creek, so as to lock in a part of the water which flows up the said creek with the flowing tide, and to prevent its recess with the ebb tide; any thing contained in the act, entitled, "An act concerning the docks and wharves in the borough of Norfolk," to the contrary notwithstanding. The management and direction of which lock or locks, flood gate or flood gates, when so erected, shall belong to, and be a part of the duty of the mayor of the said borough.

Commencement. Sec. 2. This act shall be in force from the passing thereof.

CHAPTER XLVIII.

An ACT exempting William Chaplin from erecting a lock in his mill dam across Wheeling creek in the county of Ohio.

[Passed December 30th, 1806.]

Chaplin exempted from building lock in his mill dam. Proviso. Section 1. BE it enacted by the General Assembly, That William Chaplin shall be, and he is hereby exempted from erecting a lock in his mill-dam across Wheeling creek in the county of Ohio: Provided, that nothing herein contained shall be so construed as to exonerate the said William Chaplin from erecting and keeping in repair such slope as will answer all the purposes of navigation.

Commencement. Sec. 2. This act shall commence and be in force from and after the passing thereof.

CHAPTER XLIX.

An ACT establishing an Inspection of Flour on the land of Thomas Lewis, of Albemarle County.

[Passed December 30th, 1806.]

Inspection flour established on the land of T. Lewis. Section 1. BE it enacted by the General Assembly, That an inspection of flour shall be, and the same is hereby established on the land of Thomas Lewis, near Moore's ford, in the county of Albemarle, under the like rules and regulations as other inspections of flour within this commonwealth.

Commencement. Sec. 2. This act shall commence and be in force from and after the passing thereof.

CHAPTER L.

An ACT for including certain Lands in the Town of Wheeling.

[Passed December 30th, 1806.]

Certain land included within the town of Wheeling. Section 1. BE it enacted by the General Assembly, That two certain strips or pieces of land, one belonging to Ebenezer Zane, and the other to James Patton, lying and situated between that part of the town of Wheeling which was originally established, and the part added thereto, shall be and are hereby included within the limits, and made a part of the said town of Wheeling, in like manner as if the same had been originally established a part of the said town; and the owners or proprietors thereof shall have the same privileges, and be subject to the same rules and regulations, as are provided in the case of owners of other parts of the said town.

Commencement. Sec. 2. This act shall be in force from the passing thereof.

C H A P T E R LI.

An ACT for opening a new Street in the Town of Petersburg.

[Passed December 30th, 1806.]

WHEREAS it hath been represented, that the opening and extending a new or crooked street in that part of the town of Petersburg called Ravenscroft, will be of public utility:

Section 1. BE it therefore enacted by the General Assembly, That John M'Raie, Paul Nash, Alexander Brown, John Grammar and Joel Hammon, gentlemen, shall be, and they are hereby appointed commissioners, who, or a majority of them, are empowered and required, on or before the first day of March next, to ascertain and mark out the most direct and convenient way for opening and extending a street, not exceeding seventy nor under fifty feet in width, in that part of the said town of Petersburg called Ravenscroft, and make report thereof to the county court of Dinwiddie, who thereupon shall order a writ in the nature of a writ of ad quod damnum, to be directed to the sheriff of the said county, commanding him to summon and impannel twelve able and discreet men, freeholders and inhabitants of the said county, without the limits of the said town, no ways related to the parties through whose lands the said street will pass, to meet at some place on the said ground, and on a certain day to be named by the said court, and inserted in the said writ, of which notice shall be given by the sheriff to the proprietors and tenants; and the freeholders so assembled shall be charged by the sheriff impartially, faithfully and justly, and to the best of their skill and judgment, to view the said lands through which the said street is to be opened and conducted, and say to what damage it will be to the several and respective proprietors and tenants, taking into estimation as well the use and value of the land to be laid open for such street, as other incidental injuries to be sustained thereby; and if the said inquest cannot be completed in one day, the sheriff may adjourn the said jurors from day to day until the same be completed; which inquest, sealed by the said jurors, together with the writ, shall be returned to the said court and entered of record.

Sec. 2. And be it further enacted, That the common council of the said town of Petersburg shall within three months after the return of the said inquest, levy on the taxable property within the said town, the damages so found, and the costs of the inquest, and direct them to be paid to those respectively entitled thereto.

Common council
to levy damages.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Commencement.

C H A P T E R LII.

An ACT increasing the Rates of Ferriage across the Rivanna River, opposite the Town of Charlottesville, in the County of Albemarle.

[Passed December 30th, 1807.]

Sec. 1. BE it enacted by the General Assembly, That the keeper of the ferry across the Rivanna river opposite the town of Charlottesville, shall be allowed the following rates for the passage of the following things; that is to say: the price for a man, six and one quarter cents, and for an horse the same; for every coach, chariot or waggon, and the driver thereof, the same as for six horses; for every four wheeled chaise, phaeton, and driver, the same as for four horses; for every two wheeled riding carriage, or cart, the same as for two horses; for every hogshead of tobacco, twelve and one half cents; for every head of neat cattle, the same as for one horse; for every sheep, hog or lamb, one cent, and no more; instead of the rates heretofore allowed by law.

Ferry rates opposite Charlottesville raised

Sec. 2. If the ferry-keeper at the said ferry shall demand and receive from any person, greater rates than are hereby allowed, he shall forfeit and pay to the party grieved, the ferriage demanded and received, and two dollars for every such offence, recoverable before any justice of the peace of the county of Albemarle.

Penalty on keeper for conduct.

Sec. 3. This act shall be in force from the passing thereof.

Commencement.

C H A P T E R LIII.

An ACT authorising the appointment of a Mathematical Surveyor for the borough of Norfolk.

[Passed December 30th, 1806.]

Section 1. BE it enacted by the General Assembly, That the common council of the borough of Norfolk, in common hall assembled, may, and they are hereby empowered to nominate a mathematical surveyor of the said borough, to prescribe his duties, and to establish and regulate his salary or fees of office; which surveyor shall be examined and commissioned in the manner directed by the law concerning county surveyors.

Common Council of Norfolk to appoint Mathematical surveyor.

Sec. 2. All surveys or other acts which shall be made or done by the said surveyor, by virtue of an order of any court, shall be as valid and effectual as if the same were made or done by a surveyor of a county. And the common council of the said borough are hereby authorised, at the expense, and for the benefit of their corporation, to procure a theodolite and other instruments and apparatus necessary for the said surveyor; and the mayor, recorder and aldermen of the said borough, may, and hereby are authorised, to cause a complete plan or map of the said borough to be made by the said surveyor, under the direction of the said mayor, recorder and aldermen, or such other person or persons as they may appoint for that purpose, which plan or map, when so made, shall be kept and filed of record, in the clerk's office of the said borough.

Surveys made by him, how far val. lid. Apparatus, how procured.

Sec. 3. And the said surveyor shall give bond and sufficient security to the president and professors of William and Mary college, for the annual payment of one sixth part of the fees received by him. He shall hold his office during good behaviour, and, before he enters upon the execution of his office, he shall, before the borough court of Norfolk, take an oath, and give bond, with two sufficient securities, to the governor and his successors, in such sum as he, with the advice of council, shall have directed, for the faithful execution of his office; and shall be subject to the like penalties for any omission or breach of his duties, as the surveyors of counties are by law subject to.

To give bond, &c.

Sec. 4. This act shall be in force from the passing thereof.

Commencement.

C H A P T E R L I V.

An ACT Increasing the Pension of Joseph alias Joab Miles.

[Passed December 30th, 1806.]

Sec. 1. BE it enacted by the General Assembly, That the auditor of public accounts is hereby authorised and required, to issue annually to Joseph alias Joab Miles, a warrant or warrant on the public treasury for forty dollars, as an increase of his pension.

Sec. 2. This act shall commence and be in force from and after the first day of January next.

C H A P T E R L V.

An ACT Incorporating a Company to open and improve the Navigation of the Rivanna river, from Milton to Moore's ford, opposite the town of Charlottesville, in the county of Albemarle.

[Passed December 30, 1806.]

Preamble.

WHEREAS it hath been represented to the General Assembly, That the clearing of the Rivanna river, from Milton to Moore's ford, opposite the town of Charlottesville, so as to admit the passage of loaded boats through the falls of the South West mountains, would be of great public utility; and that the act passed on the twenty second day of December, one thousand seven hundred and ninety four, hath been found inadequate to that object:

Commissioners to open subscription books.

Sec. 1. Be it therefore enacted, That books for receiving subscriptions shall be opened under the superintendance of Martin Dawson, David Anderson, Joshua Key, John Sandidge and John Watson, at Milton; and of James Lewis, Dabney Carr, Thomas C. Fletcher, John Kelly, John Carr, Alexander Garrett, Henry Williams, Rice Garland, George Divers and Thomas Garth, senior, at Charlottesville. Subscriptions for the purpose of clearing the said river, may either be made on the books to be opened at the above places respectively, or with any one of the aforesaid commissioners, individually. Monthly returns of the names of the subscribers, and the sums subscribed, shall be made by the commissioners at Milton, to the commissioners at Charlottesville, who shall regularly enter the same on their books. So soon as a sufficient sum, in the opinion of the commissioners, shall be subscribed, to complete the work, they, or any three of them, shall advertise the same at Charlottesville, and request a meeting of the subscribers at that place, which advertisement shall be at least four weeks previous to the time appointed for that purpose; and the subscribers present at such meeting, or a majority of them, shall proceed to choose five directors, to manage the business of the association: Provided, that no vote shall be given by any person subscribing less than five dollars; and in voting, by the subscribers, the following rule shall be observed; for the first five dollars, one vote; twenty dollars, two votes; fifty dollars, three votes; one hundred dollars, four votes, and for every hundred dollars afterwards, one vote.

Powers, duties, &c. of commissioners.

Sec. 2. The directors, or a majority of them, shall have power, from time to time, to appoint a treasurer, who shall be receiver of all money, subscribed by virtue of this act, and shall moreover enter into bond, with sufficient security, in the penalty of ten thousand dollars, to be recorded in the court of Albemarle county, payable to the said directors, or the survivor or survivors of them; with condition that he or his heirs, executors or administrators, at all times when required, will truly and faithfully account for all sums of money that shall come to his or their hands, for the purposes of this act, and pay the same to such person or persons, as the said directors, or a majority of them, shall order and direct.

Original books to be deposited with the directors.

Sec. 3. As soon as the directors shall be appointed, all the original books and papers shall be deposited with them, and the name of each subscriber, with the sum by him subscribed, shall be entered in a book to be kept for that purpose. The said directors and their successors, or a majority of them, shall have full power and authority, as money may be wanted, to make and sign orders for that purpose, and direct at what time and in what proportion, the subscribers shall advance and pay off the sums by them subscribed. If any person neglects or refuses to pay the money by him subscribed, for the purposes of this act, it shall be lawful for the said directors, or the survivors or survivor of them, to recover the same, or so much thereof as may be called for, by warrant before a magistrate, where the sum subscribed or called for is within the jurisdiction of a single magistrate, and where it exceeds such jurisdiction, by motion in the court of the county, where the person resides: Provided, he has ten days previous notice of such motion.

Mode of proceeding against delinquent subscribers.

Sec. 4. The said directors, or a majority of them, shall have power to contract and agree with any person or persons for clearing and improving the navigation of the said river, in such manner as they shall think proper.

Provisions.

Sec. 5. In choosing directors, the subscribers may vote either in person or by proxy. Sec. 6. In case of the death, removal, resignation or incapacity, of any of the said directors, it shall be lawful for the subscribers, or a majority of them, to elect other person or persons in the room of him or them so dying, removing or resigning; of the time and place for making such election, previous notice shall be given by advertisement, at the courthouse, in the town of Charlottesville, on two successive court days. If a majority of subscribers shall fail to attend on the day appointed for electing a director or directors, the vacancy shall be supplied by those who do attend.

Act of majority of commissioners, when to bind.

Sec. 7. The act of a majority of the commissioners, shall in all cases, be deemed the act of the whole, unless where a smaller number is declared to be sufficient.

Vacancies amongst directors how supplied.

Sec. 8. As soon as the said river shall be cleared and improved, as far as may be judged practicable, and the navigation extended as aforesaid, so as to have a sufficient depth and width of water, at common tide, to navigate boats, batteaux or canoes, capable of carrying four hogsheads of tobacco, to be ascertained by commissioners appointed by the court of Albemarle county, whose report shall be there entered of record, then it shall be lawful for the said directors, to demand and receive, at the upper boundary line of the town of Milton, or elsewhere higher up the said river, the following tolls; viz. For every hogshead of tobacco, thirty four cents; for every pipe or hogshead of wine, forty six cents; for every hogshead of

Rates of tolls.

rum, or other spirits, thirty four cents; for every quarter cask of wine or spirits, twelve and an half cents; for every bushel of Indian corn, or other grain, or salt, one cent; for every barrel of flour, beef, or pork, twelve and an half cents; for every ton of hemp, bar or manufactured iron, one dollar; for every ton of castings, thirty four cents; for every hundred bushels of lime, fifty cents; for every hundred pipe staves, eight cents; for every hundred hogshead staves, or pipe or hogshead heading, six cents; for every hundred barrel staves or barrel heading, five cents; for every hundred cubic feet of plank or scantling, thirty four cents; for every hundred cubic feet of other timber, twenty five cents; for every gross hundred weight of all other commodities, or packages, six cents; for every boat or vessel which has not commodities on board to yield so much, one dollar: Provided, that an empty boat or vessel returning, whose load has already paid, shall repay toll free.

Sec. 9. In case any person shall fail or refuse to pay the tolls, according to the rates aforesaid, the collector shall have the same right of refusing a passage to the vessel, and the same remedy for the recovery of the said tolls, as is granted by law to the James River Company.

Penalty on persons refusing to pay tolls.

Sec. 10. As an indemnification to those who advance their money in effecting an object of such great public utility, an annual dividend; to be made on the first Monday in January, at Charlottesville, in each year, shall be declared by the directors, or a majority of them; and the tolls received the preceding year, after leaving a sufficiency in the hands of the treasurer, to keep the navigation of the said river open and free from obstructions, shall be divided among the subscribers, or their legal representatives, in proportion to the sums of money paid by them respectively; and as soon as the subscribers, or their legal representatives, shall be reimbursed the principal sums of money paid by them respectively, with legal interest, the said tolls shall cease, and the said river thenceforth be deemed and taken as a public highway, free from any toll or imposition whatever: Provided, that nothing in this act contained, shall be construed to affect the tolls imposed on vessels passing through the locks of the James River Company. And the better to ascertain when the said tolls shall cease, the said directors, or a majority of them, shall annually, after they shall begin to receive tolls, make return to the court of Albemarle county, of the sum of money paid to each stockholder, or his legal representative, towards reimbursing the principal and interest of the sum by him paid for the purposes of this act; and whenever it shall be the opinion of the said court, that the principal and interest of the sum paid by each stockholder, has been fully reimbursed to him, or his legal representative, they shall enter such opinion of record, and further declare, that the tolls, authorised by this act, shall thenceforth cease.

Dividend.

Tolls, when to cease.
Proviso.

Sec. 11. And be it further enacted, That all who shall become subscribers, their successors, or assigns, shall be and are hereby created a body politic and corporate, for the purpose aforesaid, by the name of The Rivanna Company, and by that name have succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of law or equity; and to ordain and make such bye-laws, ordinances and regulations, as appear necessary for regulating the concerns of the company, not contrary to this act, the constitution and laws of this commonwealth, or the United States.

Company created a body politic.

Sec. 12. All acts and parts of acts coming within the purview of this act, shall be and are hereby repealed.

Repeal.

Sec. 13. This act shall commence and be in force from and after the passage thereof.

Commencement.

CHAPTER LVI.

An ACT concerning James Vaughan.

[Passed December 30th, 1806.]

Compensate James Vaughan.

Section 1. BE it enacted by the General Assembly, That James Vaughan shall be entitled to receive from the public treasury, thirty six dollars, as the compensation to himself and guard, for carrying, in pursuance of law, from the county of Goochland, to the Williamsburg hospital, a lunatic, who being, by the board of directors, considered as not of unsound mind, was by them refused to be received: and the auditor of public accounts is hereby authorised and required to issue his warrant or warrants for the same, to be paid out of any monies therein.

Sec. 2. This act shall commence and be in force from the passing thereof.

Commencement.

CHAPTER LVII.

An ACT concerning David Hunter.

[Passed December 31st, 1806.]

Fine imposed by the General court on David Hunter remitted.

Section 1. BE it enacted by the General Assembly, That the fine, amounting to six hundred dollars, imposed on David Hunter, by a judgment of the General court, at the last Junie term, for failing to account for and pay into the public treasury, the taxes, as clerk of Berkeley county, from the first of September, one thousand eight hundred and four, to the first of September, one thousand eight hundred and five, shall be, and the same is hereby, to all intents and purposes, fully remitted.

Sec. 2. This act shall commence and be in force from the passing thereof.

Commencement.

CHAPTER LVIII.

An ACT concerning John Walsh.

[Passed December 31, 1806.]

Auditor to issue warrant in favor of John Walsh.

Sec. 1. BE it enacted by the General Assembly, That John Walsh, of Halifax county, shall be, and he is hereby entitled to receive from the public treasury, the sum of eight pounds two shillings, to indemnify him for a like sum expended in the service of the commonwealth; and the auditor of public accounts is hereby authorised and required to issue a warrant or warrants for the same, to the said Walsh, to be paid out of any monies therein.

Sec. 2. This act shall be in force from and after the passing thereof.

Commencement.

C H A P T E R LIX.

An ACT Divorcing Daniel Rose from his Wife Henrietta.

[Passed December 31st, 1806.]

WHEREAS it is represented, that in the month of February, in the year one thousand eight hundred and six, a marriage was solemnized between Daniel Rose of Prince-William county, and a certain Henrietta White, who was at that time supposed to be virtuous, and a woman of good character; that in less than seven months thereafter, the said Henrietta was delivered of a mulatto child; that there are reasons to believe that since her said intermarriage, she has permitted a negro slave, the supposed father of the said child, to have a carnal intercourse with her; and that the said Daniel Rose, at the time of his said intermarriage, was, and always since has been, considered as a man of good character; and the said Daniel having petitioned the legislature to be divorced from his said wife:

Section 1. BE it enacted, That the said Daniel Rose shall be, and hereby is, divorced from the said Henrietta, and the marriage aforesaid totally dissolved; that the said child be considered as illegitimate, and incapable of inheriting any part of the estate of the said Daniel; that the power of the said Daniel, over the person and property of the said Henrietta, shall entirely cease; and she is hereby declared to be a feme sole, and the said Daniel no longer bound by any promise or contract hereafter to be made or entered into by her.

Sec. 2. This act shall be in force from the passing thereof.

C H A P T E R LX.

An ACT further continuing an Act appointing Commissioners to view the way for a Navigable Canal from Roanoke to Appamattox.

[Passed December 31st, 1806.]

Section 1. BE it enacted by the General Assembly, That the act "Appointing commissioners to view the way for a navigable canal from Roanoke to Appamattox," shall be, and the same is hereby extended until the first day of December next, so as to allow further time to the aforesaid commissioners to make their report, agreeable to the intention of the said act, to the General Assembly.

Sec. 2. This act shall commence and be in force from the passing thereof.

C H A P T E R LXI.

An ACT to alter the Hustings Court of the Borough of Norfolk.

[Passed December 31st, 1806.]

Section 1. BE it enacted by the General Assembly, That in future, all courts held in the borough of Norfolk, for the trial of civil causes, shall be composed of at least three aldermen; and that the said courts shall be and are hereby empowered to adjourn from day to day, until all the business which is before them, shall be dispatched.

Sec. 2. All acts and parts of acts contrary to the provisions of this act, shall be and are hereby repealed.

Sec. 3. This act shall commence and be in force from and after the first day of March next.

C H A P T E R LXII.

An ACT concerning Elias Edmonds.

[Passed December 31st, 1806.]

WHEREAS it appears that Elias Edmonds, who acted as deputy sheriff and collector of the taxes, in a part of the county of Fauquier, for the year one thousand eight hundred, has never been allowed a credit for his list of insolvencies, by the auditor of public accounts, which amounted to the sum of sixty-nine dollars, ninety-one cents:

Section 1. BE it therefore enacted by the General Assembly, That the auditor of public accounts is hereby authorised and required, to issue a warrant or warrants on the public treasury, to the said Elias Edmonds, for the sum of sixty-nine dollars, ninety-one cents, the amount of his list of insolvencies for the year aforesaid, to be paid out of any monies therein.

Sec. 2. This act shall commence and be in force from the passing thereof.

C H A P T E R LXIII.

An ACT concerning William Breeden.

[Passed December 31st, 1806.]

Section 1. BE it enacted by the General Assembly, That the penalty of one hundred dollars, which was imposed by the county court of King-William, on William Breeden, for retailing goods, wares and merchandize, without a license obtained from the commissioner of the said county, shall be, to all intents and purposes, fully remitted; and the auditor of public accounts is hereby authorised and required to issue a warrant or warrants to the said William Breeden, for one hundred dollars, the amount of the penalty aforesaid, on the public treasury, to be paid out of any monies therein.

Sec. 2. This act shall be in force from the passing thereof.

C H A P T E R LXIV.

An ACT to amend "An Act concerning the James River Company."

[Passed December 31st, 1806.]

WHEREAS it hath been represented, that a majority of the commissioners appointed by the act, entitled "An act concerning the James river company," passed the thirtieth of January, one thousand eight hundred and five, met pursuant to the notification of the said company, in order to view the said river and ascertain whether the navigation thereof from the highest practicable point to the great falls, had been completed according to the terms of the

Preamble.

Daniel Rose divorced from his wife Henrietta.

Commencement.

Time extended for viewers to make report.

Commencement.

Auditor to issue a warrant to E. Elias Edmonds.

Commencement.

Penalty imposed on W. Breeden by King-William court remitted.

Commencement.

Preamble.

original charter ; but owing to a sudden rise of the water, they were prevented from effecting the object of their meeting ; and it is just and reasonable that a further time should be allowed for that purpose :

Section 1. BE it therefore enacted, That the further time of one year from the first day of January next, be allowed the James river company, and the commissioners appointed by the above recited act, or a majority of them, to comply with the provisions thereof ; and in the mean time, the James river company shall be permitted to collect the full tolls allowed by the act " For clearing and improving the navigation of James river," any thing in the first mentioned act to the contrary notwithstanding.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Further time al-
lowed James
river company to
comply with act
of 1805.

Commencement.

CHAPTER LXV.

An ACT concerning Joseph Mayes.

[Passed January 1st, 1807.]

Section 1. BE it enacted by the General Assembly, That Joseph Mayes, sheriff of the county of Bath, shall be exonerated from the payment of the costs and damages awarded against him at the last June term of the General Court, it appearing, by the auditor's certificate, that his insolvent list exceeded the claim of the commonwealth, twelve dollars, fifty cents ; and the auditor of public accounts is hereby authorised and required, to grant a credit to the said Joseph Mayes, for the aforesaid sum of twelve dollars, fifty cents, in the tax of eighteen hundred and five.

Damages on jud't
against Joseph
Mayes remitted.

Sec. 2. This act shall commence and be in force from the passing thereof.

Commencement.

CHAPTER LXVI.

An ACT Providing for the Collection of certain Militia Fines, due in Norfolk borough.

[Passed January 1st, 1807.]

Section 1. BE it enacted by the General Assembly, That the court of Norfolk borough shall be, and hereby are authorised to appoint some person with full power and authority to collect certain militia fines, placed for collection in the hands of James Boyce, late sergeant of the said borough, who departed this life, as it is represented, without having collected any part of the amount of the said fines : Provided, however, that the person so to be appointed, before he proceeds in the said collection, shall, in the court of the said borough, take an oath, and enter into bond with such security, and in such penalty as the said court shall direct, and with condition, that he will honestly and faithfully collect the amount due of the said fines, and to account therefor, according to law ; which bond shall be made payable to the governor of this commonwealth and his successors, and in case of a breach of the condition thereof, may be sued on in like manner as are sheriffs' bonds in like cases.

Court of Nor-
folk borough to
appoint collector
of certain militia
fines.

Sec. 2. This act shall be in force from the passing thereof.

Commencement.

CHAPTER LXVII.

An ACT authorising Thomas Wilson to erect a Wing-dam, from his land in the county of Mecklenburg, extending from the south bank of the Roanoke river, into the same.

[Passed January 1st, 1807.]

WHEREAS it hath been represented to the General Assembly, That a dam may be erected in the Roanoke river, from the lands of Thomas Wilson, in the county of Mecklenburg, without injury to the navigation of said river :

Preamble.

Section 1. Be it therefore enacted, That the said Thomas Wilson, his heirs or assigns, may, and he is hereby authorised to erect and keep up, a mound, or wing dam, extending into the river Roanoke, fifty yards, at the lower end, from the south bank of said river, and near to the place where he has already commenced digging a canal, and widening up stream to the distance of one hundred yards, for conducting part of said river into the said canal, for the purpose of working a grist and other mills.

Thomas W.
authorised to
erect wing dam in
Roanoke.

Sec. 2. Provided, nevertheless, that this act shall not be in force until the legislature of North-Carolina shall have passed a law confirming the provisions made herein.

Proviso.

CHAPTER LXVIII.

An ACT concerning the town of Liberty, in the county of Bedford.

[Passed January 1st, 1807.]

Section 1. BE it enacted by the General Assembly, That in addition to the trustees herefore appointed for the town of Liberty, in the county of Bedford, John Otcy, Charles Marckle, jun. William Robertson, Jacob Eckhols and Walter Otey, gentlemen, shall be and they are hereby constituted and appointed trustees of the said town ; any five of the trustees of the said town shall be and they are hereby authorised and empowered to make and establish such bye-laws, rules and regulations, not contrary to the laws and constitution of this state, as they may think necessary for the good of the said town, and shall and may make and execute deeds of conveyance, as well for those lots which have been, as those which may hereafter be, sold in the said town, in pursuance of the act of Assembly establishing the said town.

Additional trus-
tees appointed to
town of Liberty.

Sec. 2. And be it further enacted, That the said trustees shall have power to inflict fines, not exceeding five dollars, for the violation of the bye-laws, rules and regulations, to be made as aforesaid by them, for the good of the said town ; which fines shall be recoverable by the said trustees by warrant before any justice of the peace for the county of Bedford, and shall by them be appropriated to the improvement of the said town.

Their powers &c.

Sec. 3. And be it further enacted, that upon the death, removal out of the county, or refusal to act, of any one or more of the said trustees, such vacancy, so often as the same shall happen, shall be supplied in the manner following, that is to say ; the surviving trustees, or a ma-

Vacancies am't,
how filled.

jority of them, are hereby authorised and empowered, to supply such vacancy from time to time, as occasion may require.

Commencement. Sec. 4. This act shall commence and be in force from and after the passing thereof.

C H A P T E R L X I X.

An ACT establishing an Inspection of Tobacco on the lands of Christian Gilliam, Mary Eppes and Archibald Eppes, at City Point, in the county of Prince George.

[Passed January 2d, 1807.]

Inspection of tobacco established. Section 1. BE it enacted by the General Assembly, That an inspection of tobacco shall be and the same is hereby established at City Point, in the county of Prince George, on the lands of Christian Gilliam, Mary Eppes and Archibald Eppes, or any two or one of them, to be called and known by the name of City Point warehouse.

Inspectors' salaries. Sec. 2. There shall be allowed and paid annually to each of the inspectors at City Point warehouse, the sum of two hundred dollars for their salary: Provided always, that if the quantity of tobacco inspected at the said warehouse, shall not be sufficient to pay the usual charges, and the inspectors' salaries, the deficiencies shall not be paid by the public.

Duties. Sec. 3. The duty on tobacco inspected at the said warehouse, shall be the same, and collected, accounted for and paid in like manner as is directed and prescribed by law for other tobacco inspections.

Warehouses to be built of brick or stone, and covered with slate or tile. Sec. 4. The said Christian Gilliam, Mary Eppes and Archibald Eppes, he, she or they, on whose land the said warehouse shall be erected, shall erect, at his, her or their own expense, sufficient houses, built of brick or stone, and covered with slate or tile, for the reception of tobacco, and so soon as the same shall be sufficient, the court of the said county of Prince George shall recommend fit persons to be commissioned inspectors thereof.

Notes not receivable for prior debts. Sec. 5. No person shall be obliged to receive any notes for tobacco passed at the warehouse hereby established, in discharge of any contract heretofore entered into.

Commencement. Sec. 6. This act shall commence and be in force from and after the passing thereof.

C H A P T E R L X X.

An ACT placing Jacob Payne and John Carter on the Pension List.

[Passed January 2d, 1807.]

Jacob Payne placed on pension list. Section 1. BE it enacted by the General Assembly, That Jacob Payne shall be entitled to receive annually, the sum of sixty dollars, as a pension for his services during the revolutionary war; and the auditor of public accounts is hereby authorised and required to issue a warrant or warrants on the public treasury, to the said Jacob Payne, or his attorney, for the same.

John Carter placed on pension list. Sec. 2. And be it further enacted, That the sum of fifty dollars, shall be allowed annually to John Carter, as a pension for his services in guarding the frontiers of this state against the inroads of the Indians, and in consequence of his having been disabled by a wound in performing the said services; and the auditor of public accounts is hereby authorised and required to issue a warrant or warrants on the public treasury, to the said John Carter, or his attorney, for the same.

Commencement. Sec. 3. This act shall commence and be in force from and after the passing thereof.

C H A P T E R L X X I.

An ACT to alter the Court day and the times of holding Quarterly Courts in the town of Fredericksburg, and to amend an act, entitled, an act to alter the time of holding a Quarterly Court for Northampton county.

[Passed January 2d, 1807.]

WHEREAS it appears that an act passed the twenty fourth day of January, one thousand eight hundred and six, entitled, "An act to alter the time of holding a quarterly court for Northampton county," is defective, and that the same ought to be amended:

Preamble. Section 1. Be it therefore enacted by the General Assembly, That in future a monthly court for the county of Northampton, shall be held in the month of August, instead of the month of September, in every year.

Alterations in court of Northampton.

Powers of said court.

Certain acts of, legalized.

Alteration in courts of Fredericksburg.

Commencement.

Sec. 2. And be it further enacted, That in future, orphan accounts shall be received and entered of record at the October court, held for the said county, instead of the month of September, in every year.

Sec. 3. And be it further enacted, That the proceedings had, and the records made at the August and October courts, held for the said county, in the year one thousand eight hundred and six, though not legally authorised, shall be and the same are hereby deemed valid.

Sec. 4. And be it further enacted, That the court for the corporation of Fredericksburg shall hereafter be held on the second Thursday in each month; and that the quarterly courts for the said corporation be in the months of February, July, September and December.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

C H A P T E R L X X I I.

An ACT to amend and explain the Act authorising the County Court of Lee to erect a Turnpike or Toll-Gate on the road leading from Mockerson Gap to Cumberland Gap, through the said county.

[Passed January 2d, 1807.]

Preamble.

WHEREAS it is represented to this General Assembly, That a turnpike or toll-gate authorised by an act of the last session of Assembly, has been erected on Cumberland mountain by the direction of the county court of Lee, for the purpose of collecting a fund to keep the road in repair from Mockerson gap to Cumberland gap, through the county of Lee;

and it appears to this General Assembly, that it is not reasonable that the said turnpike or toll-gate should be erected at the before mentioned place, because travellers using the Tennessee or main Kentucky road are subject to the payment of tolls as well as those who travel the road proposed to be repaired by the proceeds of the said turnpike; for remedy whereof,

Section 1. BE it enacted and declared, That it shall not be lawful for the said court of Lee to continue a turnpike or toll gate on Cumberland mountain, or so near the same that travellers using the Tennessee or main Kentucky road will be subjected to the payment of tolls at said gate; but it shall and may be lawful for the said court, and they are hereby required to erect the said turnpike or toll-gate at any suitable place on the said road leading from Cumberland gap to Mockerson gap, eastward of the junction of the said road with the Tennessee or main Kentucky road, in all respects conforming to the restrictions, limitations and provisions of the act of the last session of the General Assembly.

Court of Lee to change place of gate.

Sec. 2. And be it further enacted, That all sums collected at the toll-gate heretofore erected and not yet disbursed, shall be applied exclusively to the improvement of the pass at Cumberland gap over the Cumberland mountain.

Sec. 3. This act shall commence and be in force from and after the first day of March next, and shall continue in force for the term of nine years and no longer.

Appropriations of money heretofore received and not disbursed Commencement and term of continuance of this act.

C H A P T E R LXXXIII.

An ACT providing for the Pavement of the Streets of Norfolk Borough.

[Passed January 3d, 1807.]

Section 1. BE it enacted by the General Assembly, That it shall and may be lawful for the court of Norfolk borough, whenever they may deem it proper or whenever a majority of the owners of lots on any particular street or square, or part of a street or square, shall, by a memorial under their hands, petition the said court for that purpose, to cause any street or square, or any part of any street or square within the said borough, to be properly paved: Provided, however, that the funds of the said corporation are not to be subject, without an express appropriation of the common council of the said borough, to any greater proportion of the expense of such pavement, than what shall be requisite for graduating the streets, preparing the ground for receiving the pavement, for paving the intersections of the streets, and such parts of the same adjoining the public improvements in the said borough, as in the opinion of the court ought to be paved at the expense of the corporation. And in order that the work so to be done, may be executed in a neat and permanent stile, and as nearly uniform as may be, throughout the said borough;

Provisions for paving streets of Norfolk.

Proviso.

Sec. 2. Be it further enacted, That the said court shall be, and they are hereby authorised and empowered, to appoint and employ some discreet person of skill and experience in graduating and paving streets, (whose salary shall be estimated and included in the general expense) whose duty it shall be, under the direction of the court, or of any person or persons appointed by them, to graduate and level the streets, and to superintend the pavement thereof.

Court to appoint person to graduate streets.

Sec. 3. Whenever any street or square, or any part thereof, shall be directed to be paved as aforesaid, the court of the said borough shall cause the same to be notified to the common council thereof, whose duty it shall be, forthwith to appoint two persons of their body to act with the mayor, recorder or such of the aldermen as the court may appoint, to measure and ascertain the extent of each person's front on the street or square about to be paved, and having done so, they shall make return of their proceedings to the clerk of the court, to be by him recorded.

Duty of c & common c cil.

Sec. 4. The said committee, or any two of them, the mayor for the time being, or the recorder, being always one, shall audit all accounts of the expenses attending the said pavement, and shall sign all orders for the monies expended from time to time thereon; and whenever the pavement of any street or square, or part of any street or square, shall be completed, the said committee shall make a fair apportionment of the expense between the individual proprietors of the lots on the said street or square so paved, according to the extent of their respective fronts on the said street or square, and the corporation, in manner before mentioned, and shall make return thereof to the said court where the same shall be recorded.

Account: Penses how ted, &c.

Sec. 5. So soon as the paving of any street or square, or part of any street or square, shall be begun by commencing the levelling or graduation thereof, the collector of the taxes of the corporation, or such person as the court shall appoint for that purpose, after giving ten days notice in the newspapers printed in the said borough, shall and may demand of each owner of a lot or lots upon such street or square, or part thereof proposed to be paved, the sum of one dollar per foot, for every foot of land which he, she or they may hold fronting on such street or square, or part thereof, as aforesaid; and if the same be not paid on demand, he may proceed to levy the same by distraining and selling the goods and chattels of such landholder, in the same mode that distress and sale for the payment of public taxes is now made. And should the said sum of one dollar be found to be insufficient to defray the expense of the pavement aforesaid, the court of the said borough, upon application of a majority of the land-holders concerned, are hereby authorised to make such addition to the said expense as may appear to be just and reasonable. So soon as such pavement shall be finished, and the return of the committee appointed to apportion the expense thereof, shall be made, the collector shall proceed in like manner to collect the several balances ascertained by the said return to be due from each lot-holder as aforesaid. Every collector thus appointed, shall give bond with approved security, in such sum as the said court shall think proper, for the faithful performance of the duties of his office, and shall be subject to the like summary mode of recovery in case of delinquency, as is provided against the collectors of public taxes. The said bond shall be made payable to the mayor or his successors, and may be put in suit by the corporation, or any other person aggrieved by the breach of its conditions, in like manner as bonds given by sheriffs.

Expenses for paving, &c. when and how demandable.

Mode of proceeding against delinquents.

Collectors to give bond, &c. How proceeded against for delinquency. Bond payable to mayor.

Sec. 6. When the owner of any lot situated on any street or square, thus paved or begun to be paved, shall reside out of the limits of the corporation, or shall not be in the occupancy

Proceedings when lot-owners

reside out of town.

of the proprietor, the tenant in possession shall be answerable for the expense aforesaid, and shall be allowed to deduct the same from the accruing rent, in all cases where they hold from year to year; but in all cases of tenants holding lots upon leases heretofore made for a term of years, the expense of paying in the first instance, shall be borne and paid by such tenant, and the land-lord shall not be held liable to reimburse the same until the last year of the term of such lease, and then the principal sum only.

When lot is vacant, how to proceed.

Sec. 7. In every case of non-residence, where the property subject to the tax hereby imposed, shall be vacant, and the proprietor thereof shall have no property within the corporation subject to distress and sufficient to raise the tax due, it shall be lawful for the said collector, in the name of the corporation, to recover the amount of the tax so due from such person or persons, by motion in a summary way before any court within this commonwealth, ten days previous notice of such motion being given to the person or persons chargeable with the amount of such tax.

Commencement.

Sec. 8. This act shall commence in force from and after the passing thereof.

CHAPTER LXXV.

An ACT concerning Isaac Kelly.

[Passed January 3d, 1807.]

Damages, &c. remitted.

Section 1. BE it enacted by the General Assembly, That the damages and interest on a judgment obtained in the general court, on the twelfth day of June last, against Isaac Kelly late sheriff of Ohio county, shall be and the same are hereby to all intents and purposes fully remitted to him the said Isaac Kelly.

Commencement.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

CHAPTER LXXV.

An ACT for ascertaining the Northern Boundary of Norfolk Borough.

[Passed January 3d, 1807.]

Commissioners appointed to ascertain northern boundary Norfolk borough.

Section 1. BE it enacted by the General Assembly, That William White, John Hancock and Thomas Calvert, gentlemen, or any two of them, be and they are hereby empowered, with a surveyor duly sworn and commissioned, to cause the line of the northern boundary of the borough of Norfolk to be ascertained and run agreeably to the act passed in the year one thousand seven hundred and sixty-one, entitled "An act for enlarging and ascertaining the limits of the borough of Norfolk, and for other purposes therein mentioned;" and when the said line shall be so ascertained, a report thereof shall, by the commissioners above named, or such of them as may perform the said services, be made to the court of the said borough, and thenceforth the said line so run and ascertained, shall be established and confirmed; and the said court, besides allowing all necessary expenses that may be incurred in executing this act, shall make to the said commissioners, for their services to be performed in virtue hereof, a reasonable and adequate compensation, to be paid out of the funds of the said borough.

Sec. 2. This act shall be in force from the passing thereof.

CHAPTER LXXVI.

An ACT establishing several Towns.

[Passed January 5th, 1807.]

of Weals- established.

Section 1. BE it enacted by the General Assembly, That ten acres of land lying adjacent to the town of Jefferson in the county of Culpeper, the property of Martin Fishback, Mourning Hurt, Richard Mauzy, John Lampkin and James Newman, so soon as the same shall be laid off into lots with convenient streets, shall be established a town, by the name of Wealsborough, and that Thomas Spilman, John Puller, Thomas Spindle, William Tapp and John Fishback, shall be and are hereby appointed trustees thereof.

Trustees.

Sec. 2. That twenty acres of land, the property of Samuel Woodson, at or adjoining the courthouse of the county of Goochland, so soon as the same shall be laid off into lots with convenient streets, shall be established a town, by the name of Madison, and that Thomas Miller, William R. Fleming, John Curd, Isaac W. Pleasants, Granville Smith, William Bolling and James B. Ferguson, shall be and are hereby appointed trustees thereof.

Town of Madi- son.

Sec. 3. That seventy-five acres of land, the property of Thomas Burchinal, in the county of Monongalia, so soon as the same shall be laid off into lots with convenient streets, shall be established a town, by the name of Mount Pleasant, and that Benjamin Reeder, Dudley Evans, John Willitts, Jonathan Brandon, William Johnson, Hedgman Triplett and Thomas Eldridge, shall be, and are hereby appointed trustees thereof.

Trustees.

Sec. 4. The trustees of the said towns, or a majority of them, are empowered to make such rules and orders for the regular building of houses therein, as to them shall seem best, and to settle and determine all disputes concerning the bounds of the lots.

Town of Mount Pleasant. Trustees.

Sec. 5. So soon as the purchaser of any lot in either of the said towns, shall erect a dwelling house thereon equal to sixteen feet square, with a brick or stone chimney, such purchaser shall enjoy the same privileges that the freeholders and inhabitants of other towns, not incorporated, hold and enjoy. Vacancies by death, resignation, removal or otherwise, shall be supplied by the remaining trustees, or a majority of them, and the person or persons so elected, shall have the same power as if they had been named in this act.

Powers, duties, &c. of trustees.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER LXXVII.

An ACT making certain amendments to the Act authorising Mill-Dams to be built across the Monongalia River.

[Passed January 6th, 1807.]

Preamble.

WHEREAS it is represented to this present General Assembly, that some of the provisions of the act of the last session, entitled "An act authorising mill-dams to be built a-

cross the Monongalia river," are unnecessarily oppressive upon the owners of such dams, and that the navigation of the said river and its branches might be equally secured with less expense and trouble than the provisions of the said act impose upon the builders of such dams:

Section 1. BE it therefore enacted, That so much of the said recited act, or of any other act of the General Assembly, as requires the owners of such dams to keep lamps suspended over the slopes thereof during the night, and to erect such slopes adjoining to the mill or other works for which such dams are or have been erected, and to cause such dams to be built in every part, except upon such slopes, one foot and one half higher than the highest elevation of their respective slopes, shall be and the same is hereby repealed.

Regulations as to lamps, &c.

Sec. 2. Be it further enacted, That the slopes required to be built upon any dams heretofore erected, or hereafter to be erected, in the said river, or its navigable branches, by any former act or acts, may be erected in any part of such dams, so as best to secure the safe navigation of boats or other vessels passing through the same, and that every such dam shall in every part thereof, except at such slope, be erected eight inches higher than the highest elevation of the slope, and be so constructed as to cause a sufficient quantity of water to flow through such slope, for the purpose of navigation.

As to slopes.

Sec. 3. Be it further enacted, That slopes erected in virtue of any former law, or to be hereafter erected, shall be sufficient if the angle of their inclination with the horizon, exceeds not six degrees.

Angle of inclination, what.

Sec. 4. And be it further enacted, That so much of any former law as requires dams erected in the said river or its navigable branches, to be extended from the mill or other works, upwards across the stream, upon an angle at least twenty degrees less than a right angle with the current, shall be and the same is hereby repealed.

Repealing clause.

Sec. 5. This act shall commence and be in force from and after the passage thereof.

Commencement.

C H A P T E R LXXVIII.

An ACT concerning Andrew Lewis.

[Passed January 6th, 1807.]

Preamble.

WHEREAS it appears that a judgment has been recovered on behalf of Andrew Cowan, in the county court of Montgomery, against Andrew Lewis, on account of services rendered to the commonwealth by several persons enlisted as soldiers in said Lewis' company, on the frontiers, in the year one thousand seven hundred and ninety three, of whose claims the said Andrew Cowan was assignee; and that the said Lewis has paid the amount of the said judgment, with interest and costs, and has not been reimbursed therefor; and it appearing reasonable that the said judgment, with interest and costs, should be paid by the public:

Auditor to issue warrant to Andrew Lewis.

Section 1. Be it therefore enacted by the General Assembly, That the auditor of public accounts be, and he is hereby authorised and required to issue a warrant or warrants, to the said Andrew Lewis, for the sum of six hundred and twelve dollars, sixty nine cents, being the amount of the principal, interest and costs, of the said judgment, to be paid out of any money in the treasury.

Sec. 2. This act shall commence and be in force from the passing thereof.

Commencement.

C H A P T E R LXXIX.

An ACT concerning certain Claims against the Commonwealth.

[Passed January 6th, 1807.]

Preamble.

WHEREAS claims of long standing, and which have been liquidated by the auditor of public accounts, for expenses incurred by the county and corporation courts, for the trial of criminals prior to the year one thousand seven hundred and eighty eight, particularly those due to the counties of Fairfax and Fluvanna, remain yet unpaid; and it appearing that no provision, other than the arrearages of the certificate tax and those due prior to the year one thousand seven hundred and ninety six, hath ever been made for payment thereof; and the said provision appearing now to be totally inadequate to meet the said claim in any reasonable time:

Certain claims of Fairfax and Fluvanna to be paid.

Section 1. BE it enacted by the General Assembly, That the auditor of public accounts be, and he is hereby authorised to take in the vouchers of the claim of the county of Fairfax, amounting to eleven hundred and one pounds five shillings; and of the county of Fluvanna, amounting to one hundred and twenty seven pounds, thirteen shillings and three pence; and issue new warrants on the treasurer for the same, bearing interest from the respective dates of such new warrants. And upon the exhibition of the vouchers of similar claims from other counties, he shall, in like manner, take the same in, and issue new warrants, bearing interest from their dates respectively, for the same: All which warrants, so re-issued, shall be paid out of the arrearages of taxes prior to the year one thousand eight hundred and one; and should those arrearages not be sufficient to satisfy the said warrants, on or before the first day of January, one thousand eight hundred and ten, then the said warrants re-issued, or so much of them as may remain unpaid, to be paid out of any monies in the public treasury.

Similar claims provided for.

Sec. 2. This act shall commence and be in force from the passing thereof.

Commencement.

C H A P T E R LXXX.

An ACT increasing the Powers of the Trustees of York town.

[Passed January 6th, 1807.]

Trustees of York town, vested with certain additional powers.

Section 1. BE it enacted by the General Assembly, That the trustees of the town of York, in the county of York, or a majority of them, may and shall from time to time, as they shall see cause, assemble at some convenient place in the said town, and shall have power to make and establish such bye-laws, rules and regulations, not contrary to the laws and constitution of this state, or of the United States, as they may think necessary for protecting property in the said town against fire or other accidents; to establish and regulate markets; to keep the streets and alleys in repair; to remove therefrom nuisances and obstructions, at the expense

of those who occasion them ; to impose fines for violating any of the said rules and regulations, not exceeding five dollars for any offence, to be recovered before any justice of the peace, of the said county of York, and for preserving, in all other respects, good order in the said town. The said bye-laws and other regulations shall be entered in a book or books, to be kept for that purpose, to which the trustees making the same, shall affix their names ; and such book or books shall, at all times, be open to the inspection of any person requesting the same.

Commencement. Sec. 2. This act shall be in force from the passing thereof.

CHAPTER LXXXI.

An ACT concerning the Militia of the town of Petersburg.

[Passed January 6th, 1807.]

Preamble.

Musters, when to take place.

Fines, what.

How collected.

Collector to be appointed.

nor to give aid, &c.

Fines, how appropriated.

Militia to be armed.

Commencement.

WHEREAS it is represented to the General Assembly, That the particular local situation of the town of Petersburg, renders it essential that some change should be made in the organization of the militia of the said town :

Section 1. BE it therefore enacted by the General Assembly, That in future there shall be a muster of each company of the militia in the said town, including the light companies, troops and artillery, once in every month in the year, except the months of December, January, February and March, and those other months in which the regimental and battalion musters may be held ; all which musters, except those of the regiment and battalion, shall be held at such times and places as shall be appointed and directed by the captains, or commanding officers of the respective companies ; and notice shall be given at one muster, of the time and place appointed for the ensuing one.

Sec. 2. In lieu of the fines now imposed by law on the said militia, any non-commissioned officer or private failing to attend his regimental, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy five cents, nor more than five dollars ; and the fines on the commissioned officers shall also be increased in the same proportion. In all other cases of delinquency under the existing laws, for which fines are imposed; the said fines shall be increased upon all persons, whether officers, non-commissioned officers, or privates, in such manner as the respective courts of enquiry, having cognizance thereof, shall think fit and direct, not exceeding five hundred per centum on the present fines already imposed by law for such delinquencies.

Sec. 3. In order to ensure a speedy collection of fines, there shall be a battalion court of enquiry for the assessment of fines, held at the discretion of the commanding officer of the battalion, at least once in every two months of those in which musters are directed to be held, and the fines then assessed, shall, within ten days thereafter, be placed in the hands of the collector for collection. The commanding officer of the said battalion shall have power to suspend the collection of any fine until the next battalion court of enquiry, who may remit the same for good cause.

Sec. 4. The commanding officer of the battalion, by and with the consent of the battalion court of enquiry, shall be, and is hereby authorised and empowered to appoint a collector to the battalion, who shall, within the limits of the said town of Petersburg, have the same power in the collection of the fines placed in his hands to collect, as is granted in like cases to sheriffs and sergeants within their counties and corporations, and shall receive such compensation therefor, as the regimental court of enquiry shall deem just and reasonable, conforming to the act of Assembly in such case made and provided. The collector so to be appointed, shall, before he enters upon the duties of his office, give bond with approved security, in such penalty as may be required by the commandant of the regiment, for the faithful discharge of the duties of his office ; which bond shall be made payable to the governor of this commonwealth, and his successors, and shall be sued upon as bonds given by collectors of public taxes.

Sec. 5. So much of the fines imposed by this act as shall exceed those now imposed by law, shall be subject to the sole and exclusive appropriation of the common hall of the said town.

Sec. 6. And be it further enacted, That it shall be the duty of the Executive to furnish the militia of the said town, with all necessary arms and accoutrements.

Sec. 7. This act shall commence and be in force from the passing thereof.

CHAPTER LXXXII.

An ACT establishing several Ferries and increasing the Rates of two former ones.

[Passed January 6th, 1807.]

Public ferries established.

From land of W. Filchett to Churchill's point.

Of J. Waugh to land of T. W. W. Davies :

Of A. Henderson across Ohio river.

Of Allen Rice.

Of John Jones.

Of Henry Dering

Of Ro. Marshall.

Of Jacob Eib.

Section 1. BE it enacted by the General Assembly, That public ferries shall be constantly kept at the following places, and the rates of passing the same as followeth, that is to say :.... From the land of William Filchett in the county of Mathews, across Piankitank river to Churchill's point on the opposite shore in the county of Middlesex, the price for a man twelve and one half cents, and for an horse the same : From the land of James Waugh in the county of Amherst across Fluvanna river, to the land of Tamerlane William Whiting Davies on the opposite shore in the county of Bedford, the price for a man six and one quarter cents, and for an horse the same : From the land of Alexander Henderson at the mouth of Cow creek in the county of Wood, across the Ohio river to the opposite shore, the price for a man eight cents, and for an horse the same : From the land of Allen Rice in the county of Kanawha across Mud river to the opposite shore, the price for a man four cents, and for an horse the same : From the land of John Jones in the county of Kanawha, across Kanawha river to the land of John Hunter on the opposite shore, the price for a man six and one quarter cents, and for an horse the same : From the land of Henry Dering below his mill near Morgan town in the county of Monongalia, across Monongalia river to the lands of Noah Ridgway and William Tingle on the opposite shore, the price for a man four cents, and for an horse the same : From the land of Robert Marshall near the mouth of Buffalo creek in the county of Brooke, across the Ohio river to the opposite shore, the price for a man eight cents, and for an horse the same : From the land of Jacob Eib in the county of Harrison

across West Fork river to the lands of Robert Wilson and Daniel Davidson on the opposite shore, the price for a man six and one quarter cents, and for an horse the same: From the land of Nathan Cooper at the lower end of the long reach in the Ohio river in the county of Ohio across the Ohio river to the opposite shore, the price for a man eight cents, and for an horse the same: From the land of William Carlyle in the county of Hampshire across Great Cacapon river, to the opposite shore, the price for a man six and one quarter cents, and for an horse the same: From the lands of Samuel Gamble and Henry Daniel, at the mouth of King's creek in the county of Brooke, across the Ohio river, to their lands on the opposite shore, the price for a man eight cents, and for an horse the same; and from their said lands at the mouth of King's creek, across the same, to their lands on the opposite shore, the price for a man four cents, and for an horse the same: From the land of John Huddleston in the county of Kanawha, across Kanawha river, to the land of Henry Banks on the opposite shore, the price for a man six and one quarter cents, and for an horse the same: And from Ferry Point near Davis's warehouse in the county of Lancaster, across Corotoman river to the opposite shore near Lowry's warehouse, to be owned and kept by John Lunsford, the price for a man six and one quarter cents, and for an horse the same.

Of Nathan Coop.
per.

Of Wm. Carlyle.

Of S. Gamble &
H. Daniel.Of J. Huddles
stonFrom Ferry point
across Corot.
man.Rates at Chow.
ning's ferry rais.
ed.
Do. Jacob Hill.

Sec. 2. And be it further enacted, That the keeper of the ferry at John Chowning's ferry across the Rappahannock river, and the keeper of the ferry on the opposite shore, shall be allowed the sum of fifty cents for a man, and for an horse the same; and at the ferry of Jacob Hill in the county of Harrison, across the Tyger-Valley river, for a man six and one quarter cents, and for an horse the same; instead of the rates heretofore allowed at the said ferries.

Sec. 3. The transportation of the following things, shall be at the rates hereafter mentioned, that is to say: For every coach, chariot or waggon, and the driver thereof, the same as for six horses; for every four wheeled chaise, or phaeton, and the driver, the same as for four horses; for every two wheeled riding carriage or cart, the same as for two horses; for every hogshead of tobacco, the same as for one horse; for every head of neat cattle, two cents; for every sheep, hog, goat or lamb, one cent, and no more.

Rates.

Sec. 4. If the ferry keeper at either of the said places, shall demand and receive from any person, for the passage of any thing, greater rates than are hereby allowed, he shall, for every such offence, forfeit and pay to the party grieved, the rates demanded and received, and five dollars, to be recovered before any justice of the peace of the county, by warrant.

Penalties for a
vercharge.

Sec. 5. And be it further enacted, That the ferry across Corotoman river, from the land of John Lowry in the county of Lancaster, shall be, and the same is hereby put down and discontinued.

Ferry across
Corotoman fr
land J. Low
put down.
Commenceme

Sec. 6. This act shall be in force from the passing thereof.

CHAPTER LXXXIII.

An ACT Incorporating Trustees of the Hallerian Academy.

[Passed January 6th, 1807.]

Section 1. BE it enacted by the General Assembly, That William H. Cabell, John Marshall, Alexander McRae, John Wickham, William Munsford, William Wirt, William Foushee, George Hay, John Page, Lewis Harvie, John Brockenbrough, Abraham B. Venable, James M'Clurg, Thomas Ritchie, Thomas Jones and John H. Foushee, gentlemen, be, and they hereby are constituted a body politic and corporate, by the name of "The Trustees of the Hallerian Academy," and by that name shall have perpetual succession, and a common seal.

Trust
to the
academ

Sec. 2. The said trustees, or any five of them, are hereby authorised, so often as they shall think fit, to meet at the said academy, in the city of Richmond, and then and there examine into the progress made by the students, in their educations, at the said academy; and under the hands and seal of the said trustees, to bestow academical degrees or honors, on such of the said students, as, in the opinions of the said trustees, shall be deserving thereof.

May co
grees, &c.

Sec. 3. In case of the death, removal out of the commonwealth, resignation, or legal disability, of any one or more of the said trustees, the vacancy or vacancies thereby occasioned, may and shall be supplied by appointment or appointments, to be made by the executive of this commonwealth.

Vacancies am
how filled.

Sec. 4. This act shall be in force from the passing thereof.

Commencement;

CHAPTER LXXXIV.

An ACT to establish an Academy for Female Education in the city of Richmond.

[Passed January 7th, 1807.]

Section 1. BE it enacted by the General Assembly, That William H. Cabell, Alexander McRae, Alexander Stuart, William W. Hening, William Munsford, Lewis Harvie, Creed Taylor, John Buchanan, John D. Blair, Edward Carrington, James Penn, William Moseley, William Price (the register), James Greenhow, Thomas Rutherford, Henry S. Shore, George Hay, William Wirt, Edmund Randolph, William Foushee, John Adams, John Brockenbrough, Robert Gamble, John Harvie, George W. Smith and George Pickett, shall be and are hereby constituted a body politic and corporate, by the name of The Trustees of the Academy for female education in the city of Richmond, and by that name shall have perpetual succession, and may sue and be sued, and have a common seal, with power to take and hold any estate real or personal for the use of the said academy.

Trustees appoint.
ed to academy
for female edu.
cation in Rich.
mond.

Sec. 2. The said trustees, or any nine of them, shall be a sufficient number to constitute a board, and shall and may have power to appoint a president, tutors, secretary and treasurer, and to make and establish such bye-laws, rules and regulations, not contrary to the laws and constitution of this state, as they may judge best for the government and benefit of the said academy; also to open and receive subscriptions for the use of the said academy; and, in case any person should fail to comply with his or her subscription, to enforce the payment

Nine to constitute
a board.

thereof, by warrant before a magistrate, where the sum to be recovered shall not exceed twenty dollars, and where it shall exceed that sum, by motion to the court of the county where the delinquent subscriber resides, ten days previous notice being given.

Sec. 3. In case of the removal, death, resignation, refusal, or other legal disability to act, of any of the said trustees, or of any others who may hereafter be appointed, the vacancy thereby occasioned shall be supplied by the remaining trustees, or a majority of them.

Sec. 4. This act shall commence and be in force from and after the passing thereof.

Vacancies am'gst them, how fill'd. ed.

Commencement.

J Nuzam may build toll bridge over Tyger Valley river.

Tolls.

Penalty for taking too high toll.

Monongalia court to appoint commissioners to new state of bridge.

Commencement.

Commissioners sub.

Stock. res.

Money, how fed for.

Penalty. Money, how re-covered of delin- quents.

Company created body politic and corporate.

Tolls, when demandable. Rates.

Penalty for over-charge.

CHAPTER LXXXV.

An ACT authorising John Nuzam to build a Toll Bridge over Tyger Valley river, in the county of Monongalia.

[Passed January 7th, 1807.]

Section 1. BE it enacted by the General Assembly, That it shall be lawful for John Nuzam, his heirs and assigns, to erect a bridge across the Tyger Valley river, at or near his mills in the county of Monongalia.

Sec. 2. So soon as the said bridge shall be completed, it shall be lawful for the said John Nuzam, his heirs and assigns, to demand and receive the following tolls and rates for the passage of any person or thing, that is to say; for a man, four cents, and for an horse the same; for every coach, chariot, four wheeled chaise, or waggon, and the driver thereof, the same as for six horses; for every cart, two wheeled chaise, or chair, the same as for two horses; for every hogshead of tobacco, ten cents; for every head of neat cattle, two cents; for every sheep, hog, goat or lamb, one cent; and no more.

Sec. 3. If the collector of the tolls at the said bridge, shall demand and receive from any person greater rates than are hereby allowed for the passage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the tolls demanded and received, and five dollars, to be recovered with costs before a justice of the peace for the said county.

Sec. 4. The court of the county of Monongalia are hereby empowered and required to appoint three commissioners to view and examine said bridge, whenever any complaint may be made of its being out of repair; and upon the report of the said commissioners that the said bridge is insufficient or unsafe for passengers, the said court may order the toll gate to be removed, and the right of the said John Nuzam, his heirs and assigns, to demand and receive tolls, shall cease, until said bridge be repaired in a good and sufficient manner, to be judged of by the said commissioners.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

CHAPTER LXXXVI.

An ACT Incorporating a Company to build a Toll Bridge over Great Hunting creek, in the County of Fairfax.

[Passed January 7th, 1807.]

Section 1. BE it enacted by the General Assembly, That subscriptions be opened under the direction of James H. Blake, Thompson Mason, Augustine I. Smith, James H. Hooe, Thomas Vowell and Joseph Dean, at the house of John Gooding, in the county of Fairfax, on the ninth day of March next, notice whereof shall be given by advertisement at the court house door of said county, two several court days previous thereto, and also in the Alexandria newspapers, for raising a capital stock of twelve thousand dollars, in shares of fifty dollars each, for the purpose of erecting a toll bridge over Great Hunting creek, from the lands of colonel Augustine I. Smith, or of the heirs of major Roger West, to the land of James H. Hooe; and that each person do upon subscribing, pay to the person or persons receiving the same under the authority of this act, five dollars, upon each share so subscribed for, and that the remainder of the said fifty dollars payable upon each share, shall be thereafter called for by the company, or their agent, at such times and in such proportions, as they shall find necessary, giving two weeks notice, by advertising as aforesaid, of the sum required upon such share, and the time of making such payment; and if any subscriber, his executors, administrators or assigns, shall fail to pay the sum called for upon each share, so held by him, her or them, at the time appointed for such payment, the same may be recovered, where the sum called for shall exceed twenty dollars, by a motion in any court of record within this commonwealth, giving the holder or holders of such share or shares, their executors or administrators, ten days notice of such motion; and where the sum called for shall not exceed twenty dollars, by petition or warrant, as the case may be.

Sec. 2. Be it further enacted, That all those who shall become subscribers to the company, their successors, or assigns, shall be and are hereby created a body politic and corporate, for the purpose aforesaid, by the name of The Great Hunting creek bridge company, and shall by that name have succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of law or equity within this commonwealth or elsewhere; and to ordain and make such bye-laws, ordinances and regulations, as appear necessary for regulating the concerns of the company, not contrary to this act, the constitution and laws of this commonwealth, or the United States.

Sec. 3. So soon as the said bridge shall be completed, it shall be lawful for the said company, their heirs and assigns, to demand and receive the following tolls and rates for the passage of the following things, that is to say; for a man six and one quarter cents; for a horse six and one quarter cents; for every coach, waggon, chariot and the driver, the same as for six horses; for every four wheeled chaise or phaeton, and the driver, the same as for four horses; for every two wheeled riding carriage, the same as for two horses; for every cart, the same as for three horses; for every hogshead of tobacco, six and one quarter cents; for every head of neat cattle, three cents; for every sheep, hog, goat or lamb, one cent.

Sec. 4. If the collector of the toll at the said bridge, shall demand and receive from any person greater rates for the passage of any thing than are hereby allowed, he shall for every

such offence, forfeit and pay to the party grieved, the tolls demanded and received, and five dollars, to be recovered with costs before any justice of the peace of the county of Fairfax.

Sec. 5. Whenever the tolls received at the said bridge shall exceed fifteen per centum in any one year, the court of Fairfax county shall reduce the same, so that the same shall not exceed fifteen per centum per annum on the capital expended by the said company.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

Tolls, when to be reduced.

Commencement.

CHAPTER LXXXVII.

An ACT Legalizing the Proceedings of the Court of Pittsylvania county, and for other purposes.

[Passed January 8th, 1807.]

WHEREAS doubts have arisen whether the place at which the justices of the county of Pittsylvania have holden courts for twenty five years past, hath been established according to law:

Section 1. Be it therefore enacted and declared, That the courthouse erected on the land now belonging to Richard Johnson, shall be and is hereby established and confirmed as the seat of justice for the said county, and courts shall continue to be holden therein: Provided, nevertheless, that the said Richard Johnson shall convey to the justices of the said county of Pittsylvania, and their successors, for the use of the said county, two acres of land, comprehending the said courthouse and the other public buildings, to be laid off by the surveyor of the said county, under the direction of a majority of the trustees herein after named; and in case the said Richard Johnson shall refuse to make the said conveyance, on or before the first day of April next, a majority of the justices of the said county shall have power to remove the seat of justice for the said county to some other place as near the centre, as convenience will admit, and shall appoint some place for holding courts until the public buildings shall be erected thereon.

Sec. 2. And be it further enacted, That all judgments heretofore rendered, or proceedings had, by the court of the said county of Pittsylvania, at the courthouse aforesaid, if not erroneous in other respects, are hereby declared to be legal and valid, notwithstanding any doubts which may be entertained as to the legality of the establishment of the said courthouse.

Sec. 3. And be it further enacted, That eight acres of land, the property of the said Richard Johnson, adjoining the southern end of the courthouse above mentioned, shall be laid off by Daniel Coleman, Rawley White, John Dabney, Thomas M. Clarke, Jabez Leftwich, William Tunstall, Joseph Sandford, Jeduthan Carter, Francis Dabney, Joseph Carter and William Yancey, gentlemen, trustees, or a majority of them, into lots of half an acre each, with such streets and alleys as they may think convenient, and thenceforth the same shall be vested in the before named trustees, and be established a town by the name of Competition. So soon as the said lots shall be laid off as aforesaid, the said trustees, or a majority of them, shall proceed to sell the same at public auction, for the best price that can be had, on twelve months credit, the time and place of such sale having been previously advertised for three weeks successively in some convenient newspaper.

Sec. 4. The said trustees shall take bond and security for the purchase money, payable to the said Richard Johnson, or his representatives, and shall deliver the same to him or them.

Sec. 5. The said trustees, or a majority of them, shall convey the lots so sold, to the purchaser or purchasers in fee simple, subject to the condition of building on each a dwelling house at least sixteen feet square, with a brick or stone chimney, to be finished fit for habitation within two years from the day of such sale.

Sec. 6. The said trustees, or a majority of them, are empowered to make such rules and regulations for the regular building of houses in the said town, as to them shall seem best; and to settle and determine all disputes concerning the bounds of the said lots. If the purchaser or purchasers of any of the said lots shall fail to build thereon, within the time herein before limited, such lot or lots shall be forfeited, and the trustees of the said town, or a majority of them, shall enter into such lot or lots, and sell the same again, and apply the money thence arising, towards the improvement of the streets of the said town, or to such other purposes as a majority of the justices of the said county shall direct.

Sec. 7. Vacancies which may occur by the death, resignation, removal to the distance of fifty miles from the said town, or legal disability, of any trustee or trustees of the said town, shall be supplied by the remaining trustees, or a majority of them.

Sec. 8. This act shall be in force from the passing thereof.

Preamble.

Courthouse of Pittsylvania established, Proviso.

Proceedings legalized,

Town established.

Commissioners,

Duties of

Power

Powers a.

ties.

Vacancies, how supplied,

Commencement.

CHAPTER LXXXVIII.

An ACT establishing the width of certain Streets in the City of Richmond, and for other purposes.

[Passed January 8th, 1807.]

Section 1. BE it enacted by the General Assembly, That all the streets on the north side of the main street in that part of the city of Richmond, which by virtue of two acts of Assembly, one passed in the year one thousand seven hundred and seventy-nine, and the other in the year one thousand seven hundred and eighty, were by certain persons in the said acts denominated directors of the public buildings, added to the eastern part of the then town of Richmond, shall be and are hereby established of the width of sixty-six feet, as the same, from stones placed at the corners of each square therein, appear to have been actually surveyed and marked.

Sec. 2. And be it further enacted, That the common council of the said city, shall be and are hereby authorised to lay off in that part of the said addition which lies south of the said main street, such streets and ways as to them shall seem necessary and proper, having respect to the buildings which have been placed or erected in that part of the said city; any act or proceedings of the said directors to the contrary notwithstanding.

Width of certain streets in Richmond established.

Common council may lay off streets, ways, &c.

Commencement.

Sec. 3. This act shall be in force from the passing thereof.

C H A P T E R LXXXIX.

An ACT concerning John Williamson and Elijah Franklin, Inspectors of Tobacco at Rockett's warehouse.

[Passed January 8th, 1807.]

Salary to J. Williamson & Elijah Franklin.

To retain, &c.

Commencement.

Section 1. BE it enacted by the General Assembly, That John Williamson and Elijah Franklin, inspectors of tobacco at Rockett's warehouse in the city of Richmond, shall be and they are hereby authorised to retain the twenty-five per centum on their salaries as heretofore received by them.

Sec. 2. And be it further enacted, That the said John Williamson and Elijah Franklin, inspectors as aforesaid, and their successors, shall be and they are hereby authorised to receive in future the allowance aforesaid, in common with the inspectors at other warehouses.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

C H A P T E R XC.

An ACT to repeal an Act, entitled "An Act for clearing and repairing the Waggon-road from the State road to or near the mouth of the Little Kanawha river.

[Passed January 9th, 1807.]

Section 1. BE it enacted by the General Assembly, That the act passed the eighteenth day of January, one thousand seven hundred and ninety-eight, entitled "An act for clearing and repairing the waggon road from the state road to or near the mouth of the Little Kanawha river," shall be and the same is hereby repealed.

C H A P T E R XCI.

An ACT concerning Philip Woodson.

[Passed January 9th, 1807.]

Auditor to issue warrant to P. Woodson.

Proviso.

Commencement.

Section 1. BE it enacted by the General Assembly, That four hundred dollars shall be paid to Philip Woodson of the county of Goochland, to indemnify him for the loss of his negro man slave named Lewis, while in the service of this commonwealth; and the auditor of public accounts is hereby authorised and required to issue a warrant or warrants on the treasury for the same, to the said Philip Woodson in person or by attorney, to be paid out of any money therein: Provided, the said Philip Woodson do relinquish and convey to this commonwealth, by deed in writing, all his right and title in and to the said slave Lewis.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

C H A P T E R XCII.

An ACT releasing to William Somerville the right of the Commonwealth to a certain Lot of Land in the Town of Lexington.

[Passed January 9th, 1807.]

Section 1. BE it enacted by the General Assembly, That all the right, title and interest which the commonwealth hath or may have in or to a certain lot of land in the town of Lexington in the county of Rockbridge, now in the possession of William Somerville, which was conveyed to him while an alien, and in consequence thereof has become escheatable to the commonwealth, shall be and is hereby vested in him the said Somerville, who is now a citizen of this commonwealth, to be by him held and enjoyed, in the same manner as if he had been a citizen thereof: Saving, however, to all and every person or persons, bodies politic and corporate, (other than the commonwealth) any right, title or interest, which he or they might or would have had in the said lot of land, or any part thereof, if this act had never been made.

Sec. 2. This act shall commence and be in force from the passing thereof.

C H A P T E R XCIII.

An ACT giving the assent of this State to an Act of Congress for laying out and making a Road from the Potowmac river to the State of Ohio.

[Passed January 12th, 1807.]

Preamble.

WHEREAS by an act of the Congress of the United States passed on the twenty-ninth day of March one thousand eight hundred and six, entitled "An act to regulate the laying out and making a road from Cumberland in the state of Maryland to the state of Ohio," the President of the United States was empowered to lay out a road from the Potowmac to the Ohio river, and to take measures for making the same, so soon as the consent of the legislatures of the several states through which the said road should pass, could be obtained: And whereas application hath been made to this present General Assembly, by the President of the United States, for its consent to the measures aforesaid:

Section 1. BE it therefore enacted by the General Assembly, That the President of the United States be, and is hereby authorised to cause so much of the said road as will be within this state, to be cut out from the place where the same may enter the territory of this state, to such point or place on the Ohio river as now is, or hereafter may be agreed upon by the President or Congress of the United States, and to cause the said road to be made, regulated and completed within the limits and according to the true intent and meaning of the before recited act of Congress, or any future act by them to be passed in relation thereto.

Leave granted to United States to make road thro' this state.

Powers granted to superintendent of said road.

Sec. 2. Be it further enacted, That such person or persons as are or shall be appointed for the purpose of laying out and completing the said road, under the authority of the United States, shall have full power and authority to enter upon the lands through which the same may pass, and upon any lands near or adjacent thereto, and therefrom to take, dig, cut and carry away such materials of earth, stone, gravel, timber and sand, as may be necessary for completing the said road.

Sec. 3. Provided, nevertheless, That such materials shall be valued and appraised in the same manner as materials taken for similar purposes under the authority of this commonwealth are by the laws thereof directed to be valued and appraised, and a certificate of the amount thereof shall, by the person or persons appointed or hereafter to be appointed under the authority of the United States for the purpose aforesaid, be delivered to each party entitled thereto, for any materials to be taken by virtue of this act, to entitle him or her to receive payment therefor from the United States.

Sec. 4. This act shall be in force from the passing thereof.

CHAPTER XCIV.

An ACT annexing the County of Albemarle to the District for which a Chancery Court is directed to be holden in Staunton.

[Passed January 12th, 1807.]

Section 1. BE it enacted by the General Assembly, That the county of Albemarle shall hereafter be added to and made a part of the district for which a superior court of chancery is directed by law to be holden in the town of Staunton.

County of Albemarle annexed to Staunton district.

Sec. 2. This act shall be in force from and after the passing thereof.

CHAPTER XCV.

An ACT concerning the Militia of the City of Richmond.

[Passed January 13th, 1807.]

WHEREAS it has been represented to this General Assembly, That the militia of the city of Richmond, is at this time inefficient by reason of great defects in the general militia law: For remedy whereof,

Section 1. BE it enacted, That in future there shall be a muster of each company of the militia in the city of Richmond, including the light companies, troops and artillery, once in every month in the year, except the months of December, January, February and March, and those other months in which the regimental and battalion musters may be held; all which musters shall be held at such times and places as the regimental courts of enquiry shall from time to time direct and appoint.

Musters, when to be held.

Sec. 2. That in lieu of the fines now imposed by law on the said militia, any non-commissioned officer or private failing to attend his regimental, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay a sum not less than seventy five cents, and not exceeding five dollars; and the fines on the commissioned officers for failure or neglect of duty, shall be as follows: Any officer commanding a company, not less than ten and not exceeding twenty-five dollars; any major or commandant of the battalion, not less than fifteen and not exceeding thirty-five dollars; and any commandant of the regiment, not less than twenty and not exceeding fifty dollars. In all other cases of delinquency under the existing law, for which fines are imposed, the said fines shall be increased upon all persons, whether officers, non-commissioned, or privates, not exceeding fourfold.

Sec. 3. In order to insure the certain and speedy collection of fines, there shall be a battalion court of enquiry for the assessment of all fines, (to be holden at the discretion of the commanding officer of the regiment) at least once in every two months of those months in which musters are directed to be held, and the fines then assessed, shall be placed in the hands of the collector for collection, within ten days after every such court: Provided, however, That each person so fined, shall have the right of appealing to the next succeeding court of enquiry.

Battalion of enquiry held.

Sec. 4. The commandant of the regiment, by and with the consent of the regimental court of enquiry, shall be, and he is hereby authorised and empowered to appoint a collector to the regiment, who shall have the same powers as a sheriff or sergeant, in the collection of the fines placed in his hands to collect, and shall receive such compensation therefor, as the regimental court of enquiry shall deem just and reasonable, conforming to the act of Assembly in such case made and provided: And until the regimental court of enquiry shall meet, the commandant of the regiment, by and with the consent of the battalion court of enquiry, shall have the power to appoint such collector: In both cases, however, the person so appointed shall, previously to entering upon the duties of his office, give bond with approved security, in such penalty as the commandant of the regiment, with advice as aforesaid, may think proper, for the faithful discharge of the duties of his office; which bond shall be made payable to the governor of this commonwealth, and his successors, and shall be sued upon as other bonds given by collectors of public dues: Provided, always, that so much of the fines imposed by this act as will be in addition to the fines now imposed by law, shall be subject to the sole and exclusive appropriation of the regimental court of enquiry, for the benefit and use of the Nineteenth regiment of Militia in the city of Richmond.

Commander may appoint collector of fine

Sec. 5. So much of all acts or parts of acts as contravenes the operation of this law, shall be and the same is hereby repealed.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER XCVI.

An ACT suspending further a Judgment obtained on behalf of the Commonwealth against the Administrators of Benjamin Branch, and for other purposes.

[Passed January 14th, 1807.]

Section 1. BE it enacted by the General Assembly, That all further proceedings on a judgment obtained in the general court in November, one thousand eight hundred, on behalf of the commonwealth against Benjamin Branch and Edward Branch, administrators of Benjamin Branch, deceased, shall be and are hereby suspended for the space of twelve months from the expiration of the term to which the same were suspended by an act passed at the last session of the General Assembly; and the said administrators are hereby allowed the further time of twelve months for making each of the respective payments in the said act

Further time allowed the adm'rs. of B. Branch to discharge a judgment of the commonwealth vs. them.

specified, and in discharge of the judgment aforesaid. The damages recovered by the said judgment, shall be and hereby are remitted, upon the residue of the judgment being paid at the times and in the manner specified by this and the aforesaid act.

And whereas it appears by an act of the General Assembly, passed in one thousand seven hundred and eighty-five, that two thirds of the revenue tax due for the said year, was payable in indents, which at their then value, was equal only to five shillings in the pound.

Sec. 2. Be it enacted, That the said Benjamin and Edward Branch shall have credit on the said judgment for two thirds of the amount, to be scaled and settled by the auditor at one fourth of the nominal value.

Sec. 3. This act shall be in force from the passing thereof.

CHAPTER XCVII.

An ACT changing the manner of Electing Common Councilmen of the City of Williamsburg.

[Passed January 14th, 1807.]

Common council of W'nsburg, by whom & when to be elected.

Election to be conducted by the sergeant of said city.

Duty of mayor, &c. wa
vo

In what case sergeant to hold another election.

When right to re is doubtful, to swear.

Elect unable and election point a de.

Lex of no e. qui tmer. S'ct till e. an take

ter to re except as contrary to this ommencement.

Section 1. BE it enacted by the General Assembly, That in future, all free white male inhabitants of the city of Williamsburg, qualified by law to vote for a member to represent the said city in General Assembly, and all other free white male inhabitants of the said city, above the age of twenty-one years, who are house keepers, or pay any tax under the laws of the corporation, shall, on the first Monday in May next, and at the same time in every two years thereafter, assemble at the courthouse of the said city, and then and there elect twelve persons as common councilmen. The said election shall be conducted by and under the management of the sergeant of the said city, who shall within five days thereafter, return to the mayor thereof, or in his absence to the recorder, or senior alderman of the said city, the polls taken at the said election; thereby shewing the names of the voters, and the number of votes given to the respective candidates; and thereupon it shall be the duty of the mayor, or in his absence the recorder, or eldest alderman, as the case may be, to lay the said polls before the next common hall; and in case doubts should arise as to the election or qualifications of any person or persons returned elected as aforesaid, the same shall be decided on by the common hall; and if any person shall be adjudged disqualified or not duly elected, notice thereof shall be given to the sergeant, who shall, after giving reasonable notice, hold another election or elections for the purpose of supplying the vacancy or vacancies occasioned as aforesaid. All other vacancies occurring in the common council, shall be supplied as heretofore.

Sec. 2. Upon all questions as to the qualifications of persons to vote for common councilmen, as aforesaid, it shall be the duty of the sergeant, before he receives the vote, to administer to the person offering the same, an oath, that he verily believes himself to be duly qualified by law, to vote for common councilmen of the said city.

Sec. 3. If from any cause the sergeant should be unable to attend an election to be held by virtue of this act, he shall be authorised to appoint a deputy for that purpose, who shall in all things have the same powers that are given to, and perform the same duties that are required of, the sergeant relative to such elections.

Sec. 4. And be it further enacted, That in case, by any cause, the election of the said twelve persons, to serve as common councilmen, should not be held on the day prescribed by this act, in that case the election shall take place as soon as possible after the impediment is removed; and the persons last acting as common councilmen shall continue to hold and exercise their respective offices until another election shall take place, in the same manner that they might have done during the term for which they were elected.

Sec. 5. And be it further enacted, That the charter of the said city shall remain unaltered, except so much thereof as is contrary to this act.

Sec. 6. This act shall commence and be in force from and after the passing thereof.

CHAPTER XCVIII.

An ACT to prevent Obstructions to the passage of Fish, in the river Staunton.

[Passed December 18th, 1807.]

WHEREAS it is represented to this present General Assembly, that there have been heretofore erected or fixed in the river Staunton many dams, traps, hedges, and other obstructions to the passage of fish: for remedy whereof,

Sec. 1. Be it enacted and declared, That no person or persons, shall erect, exercise, or use any dams, traps, hedges or other obstructions, or any of them, for the purpose of stopping the free passage of fish up and down the said river, between its junction with Dan river and the Blue Ridge, from the first day of March to the first day of June in every year; and if any person or persons shall presume to erect, exercise, or use the same, or any of them, for the purpose aforesaid, within the time and distance hereby prescribed, he, she, or they, so offending, shall forfeit and pay five dollars, for every twenty four hours he, she or they, shall so erect, exercise, or use the same, or any of them: Provided, however, that this act shall be so construed as not to prohibit any dam, trap, hedge, or other obstruction, where there shall be a sluice still left for the free passage of fish at least thirty feet wide.

Sec. 2. The penalty imposed by this act, shall be one moiety to the informer, and the other to the use of the county wherein the offence may have been committed, recoverable with costs, by action of debt, or information. The offenders under this act may also be presented by the Grand Juries, and in all cases of conviction on presentment, or by private information, where there shall be no other evidence to convict the offender, but the informer's own oath, the whole penalty shall be to the use of the county wherein the conviction shall be had.

Sec. 3. This act shall commence and be in force from and after the passing thereof.

Preamble.

Obstructions to passage of fish prohibited in Staunton river, during certain periods.

Penalty on offenders.

Proviso.

Penalty, how recovered and applied.

Commencement.

C H A P T E R X C I X.

An ACT to amend the act, entitled, "An act to incorporate a pose of cutting a navigable canal from Roanoke river to Met. navigable canal from Nansemond river to Bennett's creek in lina."

[Passed January 19th, 1807.]

WHEREAS representations have been made to this General Assembly, that objects which were intended to be accomplished by an act passed on January, in the year one thousand eight hundred and five, entitled, "An act to incorporate two companies for the purpose of cutting a navigable canal from Roanoke river to the sea, and another navigable canal from Nansemond river to Bennett's creek in the state of North Carolina," cannot be effected without the most liberal encouragement given to those who would embark in the undertaking; and particularly that men of sufficient capital will not subscribe their money without an assurance of having a permanent interest in the result of their enterprise: And whereas the General Assembly of the state of North Carolina, by an act passed on the twentieth day of December, in the year one thousand eight hundred and six, have amended the law of the said state for incorporating the said companies, and extended their charters according to the provisions herein after contained:

Section 1. Be it therefore enacted, That for and in consideration of the expenses the proprietors of shares subscribed, or which may hereafter be subscribed, according to the provisions of the said recited act, may incur, not only in cutting the said canals, erecting locks and performing other works necessary for the said navigation, but in maintaining and keeping the same in repair, the said canals, locks and other works, with all their profits and appurtenances, shall be and the same are hereby vested in the said proprietors, their heirs and assigns, for and during the term of nine hundred and ninety nine years, to be computed from the completion of the said works, as tenants in common, in proportion to their respective shares: Provided, that the said companies shall commence their works within five years from the passing of this act, and shall complete the same within twenty years thereafter.

Sec. 2. And be it further enacted, That all such parts of the said recited act as by their own limitations and provisions may now have become void or expired, shall be and are hereby re-enacted and enforced as fully, and in like manner and effect, as if they were herein particularly set forth and repeated; substituting, nevertheless, for "the first Monday in May next," mentioned in the seventh section of the said recited act, the first Monday in May now next; for "the first Monday in May in the year one thousand eight hundred and six," the first Monday in May in the year one thousand eight hundred and eight; for "the first Monday in May next," mentioned in the fourteenth section of the said recited act, the first Monday in May now next; and, for "the first Monday in November following," mentioned in the said fourteenth section, the first Monday in November now next; and excepting also the first clause of the sixteenth section of the said recited act, which clause shall be and it is hereby repealed.

Sec. 3. And be it further enacted, that the books to be opened for receiving subscriptions in the county of Pittsylvania, shall be under the management of John Barnett and Nathaniel Wilson; in Franklin, of William A. Barwell and Henry T. Callaway; in Patrick, of Greenville Penn and Charles Foster; in Henry, of Benjamin Jones and Patrick H. Fontaine; in Halifax, of Meades Anderson and Isaac H. Coles; in Charlotte, of Thomas Read senior and William L. Morton; in Meckleburg, of Alexander Boyd and Grief Green; in Lunenburg, of Waddy Street and George Craghead; in Brunswick, of John Jones, Nathan Fletcher and Philip Claiborne; in Greensville, of Joshua C. Lundy and John Avery; in Southampton, of Joshua Fort and Joseph Ruffin; in Sussex, of John R. Mason and James C. Bailey; in Isle of Wight, of John H. Purdie and Richard W. Byrd; in Nansemond, of Thomas Swepson and Charles Whitlocke; and in Norfolk, of William King and Richard E. Lee.

Sec. 4. This act shall commence and be in force from and after the passing thereof.

Property in canals, locks, &c. vested in subscribers for 999 years.

Parts of law which expired, &c.

Commencement.

C H A P T E R C.

An ACT concerning the Dismal Swamp Canal Company.

[Passed January 20th, 1807.]

WHEREAS it has been represented to this General Assembly, by the Dismal Swamp Canal Company, that the said company, notwithstanding the greatest exertions, will not be able to complete the canal and other works undertaken by them within the time to which they are limited by law: And whereas it consisteth with the true policy of states, to encourage works of public utility:

Section 1. BE it enacted by the General Assembly, That the further time of six years, to be computed from the first day of August, one thousand eight hundred and six, be allowed to the Dismal Swamp canal Company, to complete their canal and other works in such a manner as to entitle them to receive the tolls granted by law.

Sec. 2. This act shall commence and be in force from and after the passing thereof.

Preamble.

Time for completing works prolonged.

Commencement.

C H A P T E R C I.

An ACT to amend the several Laws concerning the Nottoway tribe of Indians.

[Passed January 20th, 1807.]

Section 1. BE it enacted by the General Assembly, That Henry Blow, William Blow and Samuel Blount, of the county of Southampton, shall be and are hereby constituted and appointed trustees for the Nottoway tribe of Indians, in the room of the trustees who have heretofore been appointed, and shall be authorised and empowered, for and on behalf of the said Indians, to call upon the trustees who have hitherto acted, for a settlement of their accounts, and to demand and recover from them, or the executors or administrators of them, or any of them, whatever sum or sums of money or tobacco may be justly due from them, or any of them, to the said tribe of Indians.

Trustees appointed for Nottoway Indians.

That the trustees hereby appointed, and their successors, shall have power and authority, and it is hereby declared to be laws, rules and regulations, not contrary to the constitution or which they may think necessary for the good government and of the said Indians, and the preservation of their property, and to such manner as they, or a majority of them, may deem necessary, support of each of the said Indians, so long as any of the said tribe should the said tribe become extinct, shall thereupon pay so much of the said tribe, as shall remain unapplied to their use, into the public

be it further enacted, That upon complaint of the said Nottoway tribe of Indians, the trustees hereby appointed, or their successors, or any of them, at any time, the governor, with the advice of the council of state, shall be authorised to remove any of the said trustees, or of their successors, and to appoint others in their room, who shall thereupon be empowered to call upon their predecessors for a settlement of accounts, and to exercise all the other powers vested in the trustees appointed by this act.

Sec. 4. And be it further enacted, That upon the death, resignation or removal out of the county of Southampton, of any of the said trustees, it shall and may be lawful for the remaining trustees, or a majority of them, to supply the vacancy occasioned by such death, resignation or removal, and the persons so appointed by the said trustees, shall have as full power, as if they had been herein particularly mentioned.

Sec. 5. This act shall commence and be in force from and after the passing thereof.

CHAPTER CH.

An ACT authorising the County Court of Lee to appoint persons to Solemnize the Rites of Matrimony.

[Passed January 20th, 1807.]

WHEREAS it is represented to this General Assembly, That the citizens of Lee County, experience great inconveniences for want of a sufficient number of persons authorised to celebrate the rites of matrimony; between persons desirous of entering into that state: For remedy whereof,

Section 1. BE it enacted by the General Assembly, That the court of the said county of Lee, from time to time, as they shall deem it necessary, are hereby authorised to appoint any number of persons residents within the said county, not exceeding three, including those now appointed, who by virtue of this act, shall be authorised to celebrate the rites of matrimony within the said county.

Sec. 2. All and every person or persons, as aforesaid, appointed for the said purpose, shall qualify themselves in like manner, shall discharge the like duties, be subject to the like penalty or penalties for breach thereof, and shall be entitled to the like fees, as are directed and prescribed by the act passed on the third day of December, one thousand seven hundred and ninety-four, entitled "An act to amend the act to regulate the solemnization of marriages, prohibiting such as are incestuous or otherwise unlawful, to prevent forcible and stolen marriages, and for punishment of the crime of bigamy." Provided, nevertheless, that nothing contained within this act, shall be so construed as to prevent the said court from granting testimonials to celebrate the rites of matrimony to ministers of the gospel, under the act, entitled "An act to regulate the solemnization of marriages, prohibiting such as are incestuous or otherwise unlawful, to prevent forcible and stolen marriages, and for punishment of the crime of bigamy."

Sec. 3. This act shall be in force from the passing thereof.

CHAPTER CIII.

An ACT appointing Commissioners to view the road directed to be opened from the upper navigation of James river to the upper navigation of Kanawha river.

[Passed January 20th, 1807.]

Section 1. BE it enacted by the General Assembly, That Charles Beale, Joseph Grigsby, and Martin M'Ferran, gentlemen, be, and they are hereby appointed commissioners, any two of whom, after being duly sworn to execute faithfully and impartially the duties required of them by this act, are hereby authorised and directed, before the first day of July next, to view the road which, by virtue of the several acts of the General Assembly, hath been opened from the upper navigation of James river to the lower end of Soop Creek shoals, on Kanawha river, and ascertain whether, in their opinions, the same hath been completed agreeably to law; and also to enquire diligently as to the disbursements made by the superintendent of the said road, in opening the same; and the said commissioners shall make report thereof, so soon as it may be practicable, to the executive of this commonwealth; and if by such report it shall appear to the executive that the said road hath not been completed according to law, it shall be their duty to prosecute upon the bond given by the said superintendent, for the execution of the duties required of him relative to the said road: and the executive are hereby required to furnish the said commissioners with such documents as they may think necessary and proper to enable them to perform the duties required of them by this act.

Sec. 2. Be it further enacted, That each of the said commissioners be, and they are hereby allowed the sum of three dollars for each day they shall be engaged in carrying into effect the provisions of this act, to be paid out of any money in the treasury, not otherwise appropriated, by warrant to be issued by the auditor, by order of the executive, provided such accounts are certified by the county courts of Greenbrier or Kanawha; provided, also, that the whole time they are employed shall not exceed fifteen days.

Sec. 3. This act shall commence and be in force from and after the passage thereof.

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To examine into
disbursements
of superintendant
and report to the
executive.

Duties of execu-
tive.

Allowance to
commissioners.

Commencement.

CHAPTER

An ACT authorising Robert Colwell and John Coulter to erect a Mill-Dam at the lower end of Willow Island on the Ohio river in the County of Brooke.

[Passed January 21st, 1807.]

Section 1. BE it enacted by the General Assembly, That it shall be lawful for Robert Colwell and John Coulter, their heirs and assigns, to erect a dam not exceeding two feet high above low-water mark, from their land at the lower end of Willow Island, in the county of Brooke, on the north-western side of the Ohio river across that part of the Ohio river running between the said Willow Island, and the western shore, for the purpose of working grist and other mills. Provided, nevertheless, that if any person or persons navigating the said river, shall sustain any damages in his, her or their vessels, boats, rafts or cargoes, by occasion of the said dam; and it shall appear that such damage could not have been avoided by the usual and customary vigilance and caution of persons navigating the said river, then, and in every such case, the owner or owners of the said dam shall be liable to the action of the party injured for the amount of the damages so to be sustained.

Sec. 2. This act shall commence and be in force so soon as the legislature of the state of Ohio shall pass a law giving their assent to the provisions of this act.

R. Colwell and
J. Coulter au-
thorised to erect
mill dam on O-
hio.

Proviso.

Commencement.

CHAPTER CV.

An ACT placing Peggy Giles on the Pension List.

[Passed January 21st, 1807.]

Section 1. BE it enacted by the General Assembly, That Peggy Giles, the widow of James Giles, late a constable in the county of Spottsylvania, who has been slain in the execution of his official duty, shall be placed on the pension list, and shall receive annually during her life, the sum of seventy-five dollars, for the exclusive use of herself and her children by the said James Giles.

Peggy Giles
placed on pén-
sion list.

Sec. 2. This act shall be in force from the passing thereof.

CHAPTER CVI.

An ACT concerning the Militia of the Town of Portsmouth.

[Passed January 22d, 1807.]

WHEREAS, from the particular local situation of the town of Portsmouth, it is adjudged expedient that some change should be made in organizing the militia, thereof:

Section 1. BE it therefore enacted, That in future there shall be a muster of each company of the militia in the said town, including the light companies, troops and artillery, once in every month in the year, except the months of December, January, February and March, and those other months in which the regimental and battalion musters may be held; all which musters shall and may be held at such times and places as the regimental court of enquiry shall from time to time direct and appoint.

Sec. 2. That in lieu of the fines now imposed by law on the said militia, any non-commissioned officer or private failing to attend his regimental, battalion, or company muster, armed and equipped as the law directs, shall forfeit and pay not less than three nor more than five dollars; and the fines on the commissioned officers shall also be increased in the same proportion. In all other cases of delinquency under the existing laws for which fines are imposed, the said fines shall be increased upon all persons, whether officers, non-commissioned officers or privates, in the proportion above stated, that is, fourfold.

Sec. 3. In order to insure the speedy collection of fines, there shall be a battalion court of enquiry, for the assessment of fines, (held at the discretion of the commanding officer of the regiment) at least once in every two months of those months in which musters are directed to be held, and the fines then assessed, shall be placed in the hands of the collector for collection, within ten days after every such court.

Sec. 4. The commandant of the regiment, and the major of the battalion, together with the captains of the several companies of the militia in the said town, or a majority of them, shall be and are hereby authorised to appoint a collector to the regiment, who shall have the same power of a sheriff or sergeant in the collection of the fines placed in his hands to collect, and shall receive such compensation therefor, as the said officers of the militia appointing him, shall deem just and reasonable, conforming to the act of Assembly in such case made and provided. And the collector so appointed shall previously to entering on the duties of his office, give bond with approved security in such a penalty as the commandant of the regiment may think proper, for the faithful discharge of the duties of his office; which bond shall be made payable to the governor of this commonwealth and his successors, and such collector, his security or securities shall be liable in the same manner as sheriffs are liable for militia fines received by them for collection.

Sec. 5. And be it further enacted, That all additional fines imposed by virtue of this act shall be appropriated by the regimental court of enquiry.

Fines, how ap-
propriated.
Commencement.

Sec. 6. This act shall be in force from the passing thereof.

RESOLVED, That the General Assembly of the President of the United States, Agreed to December 17th, 1806.

test confidence in the wisdom, firmness and pr.

That

RESOLVED, That it is inexpedient to adopt the amendment recommended by the State of Kentucky to the Constitution of the United States.

Agreed to December 30th, 1806.

The General Assembly having received and respectfully considered the resolutions of the Legislatures of the States of Maryland and Tennessee, on the subject of obtaining an amendment to the Constitution of the United States;

RESOLVED, That it is unnecessary to attempt to obtain the amendment proposed by the said resolutions.

Agreed to January 15th, 1807.

RESOLVED, Unanimously, That the Senators of this State in the Congress of the United States be instructed, and the Representatives requested, to use their endeavors to procure a farther time for locating and surveying the lands on the north-west side of the Ohio river, reserved by this State for the Virginia troops upon continental establishment.

Agreed to January 20th, 1807.

RESOLVED, That the Executive be authorised to purchase at the expense of the Commonwealth, twenty copies of the Map of Virginia, recently published by the Right Reverend James Madison and others, to be by them disposed of as follows, to wit; one copy for the use of the Executive, and one for each branch of the Legislature of this Commonwealth; one other copy to be presented to the Congress of the United States, and the remaining copies to be presented to the Legislatures of the respective states.

Agreed to January 20th, 1807.

RESOLVED, That the executive be requested so to direct the operations of the manufactory of arms, a greater quantity of arms may be finished during the present year, than were finished during the last year, and so that the quantity of parts of unfinished arms and stock of unwrought materials on hand, may be increased during the present year.

Agreed to January 21, 1807.

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